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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

DIVERSION, PLANNING AND LOCAL ASSISTANCE COMMITTEE

JOE SERNA JR., CALEPA BUILDING

CENTRAL VALLEY AUDITORIUM

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SACRAMENTO, CALIFORNIA

TUESDAY, JULY 9, 2002

9:00 A.M.

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1 PROCEEDINGS

2 CHAIRPERSON JONES: Good morning. If everybody
3 could take their seats. We're going to start our July
4 meeting of the Diversion, Planning and Local Assistance
5 Committee.

6 Anybody that's got cell phones or pagers, if you
7 could shut them off during the meeting.

8 And for those of you that want to speak to an
9 item, there are speakers slips in the back. You can bring
10 them over here to Jeannine, and she'll get them up to us.

11 We've got a lot of items today. So much like
12 last month, same basic instructions, that we will try to
13 move through this. Our staff has done a good job of
14 preparing these items so that the members have already
15 read them. So their information's going to be quick and
16 to the point.

17 If you want to speak, come on up. And once you
18 get acknowledged, come and speak on it. And then we'll
19 move right through this thing.

20 We have any ex partes?

21 Mr. Eaton?

22 COMMITTEE MEMBER EATON: I'm up to date. Thank
23 you.

24 CHAIRPERSON JONES: Chair Moulton-Patterson?

25 COMMITTEE MEMBER MOULTON-PATTERSON: I'm up to

1 date.

2 CHAIRPERSON JONES: Thanks, Madam Chair.

3 And I probably should have called roll first.

4 And I just said hi to J. C. Davies as I was
5 coming in.

6 Jeannine, could you call the roll please.

7 SECRETARY BAKULICH: Eaton?

8 COMMITTEE MEMBER EATON: Here.

9 SECRETARY BAKULICH: Moulton-Patterson?

10 COMMITTEE MEMBER MOULTON-PATTERSON: Here.

11 SECRETARY BAKULICH: Medina?

12 Jones?

13 CHAIRPERSON JONES: Here.

14 All right. Mr. Schiavo.

15 DEPUTY DIRECTOR SCHIAVO: Good morning. Pat
16 Schiavo of the Diversion, Planning and Local Assistance
17 Division.

18 I would like to provide one update before we move
19 on. We do have a very heavy agenda.

20 Last week a letter was sent out from us to all
21 the local jurisdictions, yourselves and Senator Shear's
22 office, informing everyone that the 2001 annual report
23 process would be delayed as a result of information from
24 the Board of Equalization, which is one of our adjustment
25 backers, being delayed until late October. At that point

1 in time we'll inform everybody when we receive the
2 information and then we'll begin the process approximately
3 30 days after that point in time. So I just wanted to
4 give out a reminder to everybody.

5 And that's it for my update.

6 CHAIRPERSON JONES: All right, Mr. Schiavo. Lets
7 go to Item B, Number 17.

8 DEPUTY DIRECTOR SCHIAVO: Okay. Item B, Number
9 17, is consideration of the amended Nondisposal Facility
10 Element for the unincorporated area of San Luis Obispo
11 County.

12 And Nikki Mizwinski will be making that
13 presentation.

14 MS. MIZWINSKI: Good morning, Chairman and
15 Committee Members.

16 The County of San Luis Obispo has amended its
17 nondisposal element to include the new Cold Canyon
18 Landfill Construction and Demolition Debris Processing
19 Facility. The corresponding permit item has not yet been
20 scheduled.

21 This is San Luis Obispo's third nondisposal
22 facility element. The city has submitted all the required
23 documentation. And Board staff, therefore, recommends
24 approval of the county's NDFE.

25 That concludes my presentation.

1 I'll be happy to answer any questions.

2 CHAIRPERSON JONES: Thank you.

3 Any questions from the members?

4 Have a motion?

5 COMMITTEE MEMBER EATON: Yes, Mr. Chair.

6 I'll move that we adopt Resolution 2002-376

7 regarding the Nondisposal Facility Element for an

8 incorporated area of San Luis Obispo County.

9 COMMITTEE MEMBER MOULTON-PATTERSON: Second.

10 CHAIRPERSON JONES: We've got a motion by Mr.

11 Eaton and a second by Linda Moulton-Patterson.

12 Could you call the roll.

13 SECRETARY BAKULICH: Eaton?

14 COMMITTEE MEMBER EATON: Aye.

15 SECRETARY BAKULICH: Moulton-Patterson?

16 COMMITTEE MEMBER MOULTON-PATTERSON: Aye.

17 SECRETARY BAKULICH: Jones?

18 CHAIRPERSON JONES: Aye.

19 For consent, members?

20 COMMITTEE MEMBER EATON: Fine.

21 CHAIRPERSON JONES: For consent.

22 All right. Item 18.

23 DEPUTY DIRECTOR SCHIAVO: Item number 18 is

24 consideration of the adequacy of the amended Nondisposal

25 Facility Element for the City and County of San Francisco.

1 And Cathryn Cardoza will be making this
2 presentation.

3 MS. CARDOZA: Good morning, Chairman and
4 Committee Members.

5 Agenda Item C, or Board Item 18, presents the
6 City and of San Francisco's amended Nondisposal Facility
7 Element, or their NDFE. And a handout was -- it looks
8 like it's being handed out right now -- of the revises
9 item. And copies are available in the back of the room.

10 San Francisco is amending its NDFE to modify the
11 description of the San Francisco Solid Waste Transfer and
12 Recycling Center, an existing facility, and by adding the
13 Recycle Central, a proposed new facility.

14 The Permits and Enforcement Division will be
15 presenting a corresponding agenda item for their proposed
16 permit for the Recycle Central facility at this month's
17 Board meeting, which is Item Number 6.

18 The Board approved San Francisco's original NDFE
19 in April of '95.

20 At the time today's agenda item went to print
21 Board staff had been under the impression that San
22 Francisco would have been able to submit all required
23 documentation for a complete amended NDFE prior to the
24 DPLA Committee meeting today. Unfortunately, their Board
25 of Supervisors won't be considering the NFDE amendment

1 until July 15th, or possibly as late as July 22nd.
2 However, Board staff does anticipate receiving the locally
3 adopted resolution and the other required documentation,
4 which is the proof of the three-day public notice, from
5 San Francisco in time for the full Board meeting.

6 Board staff, therefore, recommends holding a
7 decision on San Francisco's amended NDFE until the July
8 23rd-24th Board meeting.

9 Kevin Drew, a representative of the City and
10 County, is here today to answer any questions you may
11 have.

12 That concludes my presentation.

13 Are there any questions for staff?

14 COMMITTEE MEMBER EATON: Mr. Jones, I just move
15 that we move it to the full Board meeting in I believe 2
16 weeks, isn't it?

17 COMMITTEE MEMBER MOULTON-PATTERSON: Yes. That's
18 good.

19 CHAIRPERSON JONES: Okay. That's a good move.

20 All right.

21 Item 19, consideration of proposed schedule for
22 Elk Grove.

23 DEPUTY DIRECTOR SCHIAVO: Okay. Item 19 is
24 consideration of the proposed compliance schedule for
25 completing and submitting the Source Reduction and

1 Recycling Element, Household Hazardous Waste Element, and
2 Nondisposal Facility Element by the newly incorporated
3 City of Elk Grove, Sacramento County.

4 And Cathryn also will be making this
5 presentation.

6 MS. CARDOZA: Good morning.

7 Copies of -- I just want to let you know that
8 copies of Attachment 1, which is the revised compliance
9 schedule, will be passed out right now. And there are
10 copies available in the back of the room.

11 The City of Elk Grove submitted a compliance
12 schedule by March 29th of this year for completing and
13 submitting its planning documents as requested by the
14 Board.

15 However, staff found the City's schedule was not
16 sufficiently specific for Board consideration. Staff,
17 therefore, requested the city to submit a revised
18 schedule, which the City submitted.

19 In the meantime the City has chosen to comply
20 with the planning document requirements by joining the
21 existing regional agency of Sacramento County and the City
22 of Citrus Heights.

23 Elk Grove's revised schedule sets out two
24 timelines for completing and submitting to the Board its
25 regional agency agreement. One with a target of the end

1 of September of this year if its Solid Waste Authority
2 Agreement will not require amending, and one estimating at
3 least to January of 2003 if the agreement needs to be
4 amended.

5 Frank Oviato from the City is here today to
6 answer any questions.

7 That concludes my presentation.

8 Are there any questions for staff?

9 CHAIRPERSON JONES: Mr. Eaton.

10 COMMITTEE MEMBER EATON: What are we trying to
11 accomplish with the city here? Are they going to not have
12 a compliance schedule simply because they're going to join
13 another agency, and then that agency becomes de facto the
14 compliance just by joining? What -- I'm a little unclear.
15 I understand about joining. But what does the joining get
16 them with regard to their individual jurisdiction?

17 MS. CARDOZA: As a newly incorporated city
18 they're required to either produce their own SRRE, HHWE,
19 and NDFE; or if they join a regional agency, which is
20 usually comprised of at least the unincorporated county,
21 since they were part of the unincorporated county
22 originally, they can adopt to join that regional agency
23 and then the unincorporated county's or the region's SRRE,
24 HHWE, and NDFE become their own. So they don't have to
25 produce an individual planning document.

1 COMMITTEE MEMBER EATON: Right. So this will be
2 similar to what Citrus Heights went through about three
3 years ago?

4 MS. CARDOZA: Right.

5 COMMITTEE MEMBER EATON: Okay. But Citrus
6 Heights was also in a position individually as they went
7 through the different items that they were implementing,
8 programs and so on and so forth.

9 Is the same true for Elk Grove?

10 MS. CARDOZA: Well, I haven't looked at the
11 regional agency agreement. But any agency is still
12 required to implement programs. They don't get out
13 implementing programs just from joining a region. They
14 still are required to implement programs and participate
15 in that regional agency's efforts to reach the goal. They
16 just don't have to do their own planning documents.

17 COMMITTEE MEMBER EATON: Okay. But we don't know
18 what they have planned for Elk Grove, irrespective of the
19 planning agreements?

20 MS. CARDOZA: Well, the city representative is
21 here. He could possibly address that for you.

22 COMMITTEE MEMBER EATON: I understand. But we
23 are the agency who's supposed to oversee and have that
24 information based upon a compliance schedule. So if we
25 don't know what they're going to do, why would we adopt a

1 compliance schedule?

2 MS. CARDOZA: Well, the compliance schedule is
3 for when they will either submit their planning
4 document -- which they don't have yet because they were
5 just newly incorporated and it was due this January. It
6 is not a compliance schedule like we've been doing for the
7 biennial reviews for implementing the programs. It's a
8 compliance schedule for actually setting up what their
9 plan is going to be.

10 CHAIRPERSON JONES: Okay. Madam Chair.

11 COMMITTEE MEMBER MOULTON-PATTERSON: Just a
12 general question, not specific to Elk Grove.

13 But how much time, extra time do we give these
14 newly incorporated cities? Do we --

15 MS. CARDOZA: Well, by statute they're required
16 to submit either their own separate planning documents or
17 to join a region within 18 months of incorporation.

18 COMMITTEE MEMBER MOULTON-PATTERSON: Thank you.

19 MS. CARDOZA: And that's usually pretty fast.

20 CHAIRPERSON JONES: Okay. The staff -- or the
21 person representing the city, if they could come down. I
22 think -- I want to follow-up on Mr. Eaton's question.

23 MR. OVIETO: Frank Ovieto, City of Elk Grove.

24 CHAIRPERSON JONES: Thank you.

25 Now, Elk Grove had some existing programs when

1 they were part of the county, correct?

2 MR. OVIETO: That's correct.

3 CHAIRPERSON JONES: And in this compliance order,
4 both the first one submitted and the second one -- and I'm
5 glad there was a second one because I had pretty much
6 marked mine "no" because there wasn't any discussion about
7 the SRRE or those documents that needed to be done. So
8 I'm glad that you've made those changes. But part of it
9 is that you're going to contract out for a new hauler or
10 you're entering into negotiations.

11 Is it the intent of the city to continue the same
12 types of programs that are already in existence in Elk
13 Grove, modify them? And if so, what's the planning basis
14 for that?

15 MR. OVIETO: Our intent is to continue the
16 programs that are already existing. The fact that we
17 haven't joined the Solid Waste Authority or the regional
18 agency -- our intent is to join them. And in fact because
19 we don't have an existing agreement with them, we've put
20 into place some interim agreements to continue household
21 hazardous waste, for instance. So we are continuing some
22 of those programs. And as soon as we join, all the other
23 programs will go into effect.

24 CHAIRPERSON JONES: Okay. Thank you.

25 And then I have a question for Cathryn.

1 MS. CARDOZA: I did want to just clarify that a
2 compliance order is different from a compliance schedule.
3 The order is after we've decided that they haven't done
4 something and they have a year to do it. Whereas a
5 compliance schedule is them telling us when they will get
6 their planning documents to us.

7 CHAIRPERSON JONES: Good. And we're dealing with
8 the schedule?

9 MS. CARDOZA: Right, that's what this is about
10 today.

11 CHAIRPERSON JONES: Right.

12 So where -- That was what my follow-up question
13 was going to be. If they don't meet the schedule, then
14 the city will come in front of us for a compliance hearing
15 and you will not be --

16 MS. CARDOZA: Yes, that's when we will be
17 considering a compliance order or -- and if they don't
18 meet that, then we could potentially consider a fine like
19 we did with the other three cities.

20 CHAIRPERSON JONES: Exactly.

21 Four.

22 MS. CARDOZA: Four, right.

23 CHAIRPERSON JONES: All right. Thank you.

24 What is the -- anybody want to make a motion?

25 I'll make a motion or -- Madam Chair.

1 COMMITTEE MEMBER MOULTON-PATTERSON: I'll go
2 ahead and make a motion to approve Resolution 2002-378.

3 CHAIRPERSON JONES: Thanks, Madam Chair.
4 Second?

5 COMMITTEE MEMBER EATON: I'll second. But I'd
6 also like to have Mr. Schiavo give us a report on these
7 types of items 60 days after they come before us, because
8 it says August 21st the City of Elk Grove is going to
9 consider a residential waste contract. And those kinds of
10 things, if the schedule isn't going to be met, I don't
11 want to get into a situation where we keep extending this
12 out and then all of a sudden the clock runs on us.

13 I'll second it.

14 CHAIRPERSON JONES: Okay, 60.

15 Is 60 okay?

16 COMMITTEE MEMBER MOULTON-PATTERSON: Yes.

17 COMMITTEE MEMBER EATON: Okay. Second.

18 Okay. We've got a motion that the author -- I
19 mean the maker of the motion has agreed there'd be a
20 60-day update for us. And a second.

21 Substitute the previous roll?

22 Put on it consent?

23 Okay. So worded.

24 Item number 20.

25 DEPUTY DIRECTOR SCHIAVO: Item Number 20 and 21

1 are consideration of staff recommendation on the 1999-2000
2 biennial review findings for the Source Reduction and
3 Recycling Element and Household Hazardous Waste Element
4 for a number of jurisdictions.

5 And Steve Sorelle will be making this
6 presentation.

7 MR. SORELLE: Good morning, Committee Members.

8 Staff have conducted their biennial reviews and
9 found that these jurisdictions have achieved a 2000
10 diversion rate of at least 50 percent or attainment of a
11 reduced goal under a rural reduction and are adequately
12 implementing source reduction and recycling, composting,
13 public education and information programs as outlined in
14 their Source Reduction and Recycling Elements and
15 Household Hazardous Waste Elements.

16 Upon review, staff analysis indicates that seven
17 of the 18 jurisdictions in these items show greater than
18 five percent change from 1999 to 2000. Details of these
19 jurisdictions can be found in Attachment 2 in both items.

20 In addition unincorporated area of Plumas County
21 has attained goal with a diversion rate of 41 percent,
22 which surpasses their rural reduction goal.

23 Agenda Item E, or 20, lists those jurisdictions
24 for which staff is recommending approval of the 1999-2000
25 biennial review. Should the Board not accept staff

1 recommendations, these jurisdictions have reserved the
2 right in their 2000 annual report to submit and SB 1066
3 time extension request.

4 Agenda item F, and 21, lists those jurisdictions
5 for which staff is also recommending approved of the
6 1999-2000 biennial review. However, should the Board not
7 accept staff's recommendation, these jurisdictions did not
8 elect to reserve the right in their 2000 annual report to
9 submit an SB 1066 extension request, which gives the Board
10 an alternative set of options as outlined in the agenda
11 item.

12 This concludes my presentation.

13 Both Board staff and representatives from the
14 jurisdictions are available to answer any questions.

15 Thank you.

16 CHAIRPERSON JONES: Madam Chair.

17 COMMITTEE MEMBER MOULTON-PATTERSON: I'd like to
18 move Resolution 2002-379, consideration of staff
19 recommendation on the 1999-2000 biennial review findings
20 for the Source Reduction and Recycling Element and
21 Household Hazardous Waste Element for the following
22 jurisdictions: Contra Costa County, Pittsburgh; Los
23 Angeles County, Malibu; Mendocino County, Fort Bragg;
24 Orange County, Huntington Beach, Lake Forest, Seal Beach;
25 San Bernardino County, Chino; San Diego County, National

1 City; San Mateo County, Belmont, Menlo Park; Tuolumne
2 County, Sonora.

3 CHAIRPERSON JONES: I'll second.

4 We have a motion and a second.

5 Substitute the previous roll?

6 On consent?

7 So ordered.

8 Item 21.

9 Madam Chair.

10 COMMITTEE MEMBER EATON: Calling yourself?

11 CHAIRPERSON JONES: Oh, sorry.

12 Who wants to make this -- I'll make it --

13 COMMITTEE MEMBER EATON: I have a question on --

14 I'd like to find out a little bit more about Big Bear

15 Lake. Isn't Big Bear Lake the one who came before us and

16 represented that there was X amount of material coming

17 from the lake.

18 COMMITTEE MEMBER MOULTON-PATTERSON: Yes.

19 CHAIRPERSON JONES: For the compost.

20 COMMITTEE MEMBER EATON: For the compost. And

21 then they dropped way down. And now they're above 50

22 percent? So we have found them -- is that correct? Isn't

23 this the jurisdiction?

24 DEPUTY DIRECTOR SCHIAVO: Yeah.

25 COMMITTEE MEMBER EATON: So what did staff find?

1 Remember that they had tried to claim X amount of
2 material, and it dropped them below. So now they're back
3 and they've succeeded it?

4 MS. BROWN: The 1999 diversion rate was 56
5 percent. They did not drop below 50 percent when they did
6 their new base year.

7 My name is Rebecca Brown.

8 DEPUTY DIRECTOR SCHIAVO: They had a much higher
9 number originally. We went back and reaudited them and we
10 found some of the lake dredgings and some other inert
11 materials that we pulled out of their rate, and then the
12 rate became somewhere in the mid-50's after we did those
13 deductions, after the audit.

14 COMMITTEE MEMBER EATON: So what were they at
15 2000?

16 DEPUTY DIRECTOR SCHIAVO: Oh, in 2000?
17 Fifty-nine percent.

18 CHAIRPERSON JONES: Mr. Eaton's right. That was
19 the one that came into us the first time in like '79 or
20 '82 or something?

21 DEPUTY DIRECTOR SCHIAVO: Yeah. Then he audited
22 them.

23 CHAIRPERSON JONES: Gotcha.

24 Any other questions?

25 COMMITTEE MEMBER MOULTON-PATTERSON: I'll move

1 Resolution 2002-380, consideration of staff recommendation
2 on the '99-2000 biennial review findings for the Source
3 Reduction and Recycling Element and Household Hazardous
4 Waste Element for the following jurisdictions: Alpine
5 County, Alpine County Unincorporated; Humboldt County,
6 Blue Lake; Plumas County, Plumas County unincorporated;
7 Ban Bernardino County, Big Bear Lake, Grant Terrace,
8 Rialto; Solano County, Benicia.

9 CHAIRPERSON JONES: I'll second.

10 We have a motion and a second.

11 Substitute the previous roll?

12 Put it on consent?

13 So ordered.

14 All right. Item 22, which would be F -- or I
15 mean G. Sorry.

16 DEPUTY DIRECTOR SCHIAVO: Yeah, Item Number 25
17 and 22 are related. They're both related to the formation
18 of a regional agency and then the biennial review. So
19 we'd like those two heard together.

20 CHAIRPERSON JONES: 22 and 25?

21 DEPUTY DIRECTOR SCHIAVO: And 25.

22 CHAIRPERSON JONES: No problem.

23 DEPUTY DIRECTOR SCHIAVO: Okay. So 22 is
24 consideration of the Stanislaus County Regional Solid
25 Waste Planning Agency Formation Agreement for the County

1 of Stanislaus and the cities of Ceres, Hughson, Newman,
2 Oakdale Patterson, Riverbank, Turlock, and Waterford. And
3 it's also a biennial review for those same jurisdictions.

4 And Yasmin Satter will be making this
5 presentation.

6 MS. SATTER: Good morning, Madam Chair and
7 Committee Members.

8 Staff has conducted the 1999-2000 biennial review
9 for the cities of Ceres, Hughson, Newman, Oakdale,
10 Patterson, Riverbank, Turlock, Waterford, and the
11 unincorporated area of the Stanislaus County Source
12 Reduction and Recycling Element and Household Hazardous
13 Waste Element for program implementation.

14 Based of staff analysis it appears the cities and
15 the county have good programs. However, not all of the
16 cities were able to meet the 50 percent diversion
17 requirements. They believe this is an inaccuracy issue
18 related to disposal misallocation in their original 1990
19 base year and the reporting years as well.

20 Since all of these jurisdictions utilize the same
21 disposal facilities, they decided to consolidate their
22 disposal and diversion numbers to overcome any allocation
23 issues that are preventing them from reaching the
24 50-percent diversion goal. Therefore, a regional agency
25 was formed and adopted by the county's Board of

1 Supervisors in July 2001.

2 Agenda Item Number 22 is for the formation of
3 regional agency. Although the regional agency was
4 officially adopted by the County's Board of Supervisors in
5 July 2001, calculated as a region, the year 2000 diversion
6 rate is 52 percent.

7 And also the disposal amounts for the region
8 continued to drop in 2001.

9 Staff recommends the Board approve the Regional
10 Agency Agreement between the unincorporated Stanislaus
11 County and the eight participating cities and accept the
12 program development by the cities and the county and take
13 no action regarding the diversion rates for 1999 and 2000.

14 Both the jurisdiction's programs and staff
15 analysis of these programs can be found in detail in
16 agenda -- in the Attachment Number 1 in the agenda item.

17 Some of the programs that have been implemented
18 include: Residential curbside collection of commingled
19 recyclables, commercial curbside collection, residential
20 curbside green waste collection, residential and
21 commercial self-haul green waste, residential drop off,
22 residential on-site collection, inert recycling and
23 composting.

24 Staff recommends the Board finds that cities and
25 the county have made a good faith effort in meeting the

1 diversion requirements and also recommends approval of
2 regional agency.

3 This concludes my presentation.

4 Representatives from the regional agencies are
5 present here to answer any questions you may have.

6 CHAIRPERSON JONES: Thank you.

7 Questions?

8 Mr. Eaton.

9 COMMITTEE MEMBER EATON: I don't have any problem
10 with the formation. I'd just like to ask our staff: What
11 happens with Oakdale? They have never solved their
12 negative deficit problems. So is our policy then that by
13 simply joining a regional body, that you do not have to
14 resolve that conflict before joining?

15 DEPUTY DIRECTOR SCHIAVO: Yeah. Oakdale we're
16 looking at is that they're implementing all of their
17 programs and they're servicing the area. And what we
18 found is there's some obvious disposal reporting system
19 errors. And as a result of that, by forming the regional
20 agency and knowing that they all went to the same
21 landfill, that that would eliminate the disposal reporting
22 errors from them. If they were to stand alone, they'd
23 have to go back and try to look at the reporting year
24 corrections. And what we've found, and you'll hear again
25 in SB 2202 report later today, is that these smaller

1 jurisdictions are going to have a lot more variability
2 with that disposal. By forming the regional agency, we
3 take that variability out of the picture.

4 COMMITTEE MEMBER EATON: They never came before
5 us, right? We never did resolve. So did they ever apply
6 for a base-year adjustment during that time? Or did
7 they --

8 DEPUTY DIRECTOR SCHIAVO: Well, no, because
9 they -- their numbers become negative in 1999 and 2000,
10 just this last cycle. And they're implementing all their
11 programs.

12 MS. SATTER: May I add something?

13 Before they formed a region they had conducted a
14 waste generation study for the city of Oakdale. And their
15 diversion rate was around 30 percent. But since they were
16 in the process of forming a region, we decided not to
17 bring that forward because it would not have made any
18 difference. So they are at least 30 percent.

19 CHAIRPERSON JONES: I mean these guys all go to
20 Crow's Landing. They've got two MRF's that I know of that
21 are doing an awful lot of the sorting of this material
22 prior to going in.

23 The Modesto material, which would also go through
24 two different MRF's, who uses the same facility, are they
25 able to keep that tonnage separated out? Because I think

1 all these go to Crow's Landing. I know Turlock does and I
2 know Hughson and Oakdale do.

3 So are they able to keep the Modesto waste stream
4 pretty much separated? Because there's two haulers
5 working in Modesto. One of them -- both of them have some
6 of these different cities as well. Are they able to sort
7 of differentiate that tonnage?

8 MS. SATTER: City of Modesto is also proposing a
9 new base year. And they have conducted their new
10 generation study. And they were able to keep these
11 materials separate. They have their own numbers.

12 CHAIRPERSON JONES: Okay. Then I can see, you
13 know, where it makes sense, because those are the only
14 facilities that -- the only jurisdictions that I know of
15 that are using -- that are all using Crow's landing. So
16 as long as they make that differentiation, then it should
17 work.

18 Madam chair.

19 COMMITTEE MEMBER MOULTON-PATTERSON: I move
20 approval of Resolution 2002-382, consideration of the
21 Stanislaus County Regional Solid Waste Planning Agency
22 Formation Agreement for the County of Stanislaus and the
23 cities of Ceres, Hughson, Newman, Oakdale, Patterson,
24 Riverbank, Turlock and Waterford.

25 COMMITTEE MEMBER EATON: Second.

1 CHAIRPERSON JONES: We've got a motion and a
2 second.

3 Substitute the previous roll?

4 And put it on consent?

5 So ordered.

6 Item 25.

7 COMMITTEE MEMBER MOULTON-PATTERSON: I'll also
8 move Item 25, Resolution 2002-383, consideration of the
9 '99-2000 biennial review findings for the Source Reduction
10 and Recycling Elements and Household Hazardous Waste
11 Elements for the cities of Ceres, Hughson, Newman,
12 Oakdale, Patterson, Riverbank, Turlock, Waterford, and the
13 unincorporated area of Stanislaus County.

14 COMMITTEE MEMBER EATON: Second.

15 CHAIRPERSON JONES: We've got a motion and a
16 second.

17 Substitute the previous roll?

18 And put it on consent?

19 So ordered.

20 Item number 23.

21 DEPUTY DIRECTOR SCHIAVO: Okay. Item Number 23
22 is directly linked also to Number 31, so we'd like to
23 treat those -- and then this is the last of items that are
24 like that.

25 Item Number 23 is consideration of the Contra

1 Costa/Ironhouse/Oakley Regional Agency Formation Agreement
2 for the County of Contra Costa, the City of Oakley, and
3 the Ironhouse Sanitary District, and the unincorporated
4 area of Contra Costa County. And this is also the
5 biennial review for those same jurisdictions.

6 And Eric Bissinger will be making the
7 presentation.

8 CHAIRPERSON JONES: Mr. Schiavo, I just have one
9 question while you guys are scrambling to bring somebody
10 up here.

11 Is there a -- see how I cover for you, huh?
12 Pretty good.

13 DEPUTY DIRECTOR SCHIAVO: Pretty good.

14 CHAIRPERSON JONES: Is there a -- do you have a
15 signed copy of this regional agreement on file somewhere?
16 I don't care that we don't have it as much as I want to
17 make sure that it exists.

18 MS. MORGAN: Cara Morgan, Office of Local
19 Assistance.

20 That's probably where Eric is. Yesterday they
21 were scrambling. It had been approved, but they were --
22 it was kind of tracking down the signed copy. So we were
23 anticipating that if we didn't have it today, that it
24 would be coming shortly. And that by the time of the
25 Board meeting when this hopefully is approved, that we

1 would have that into the BOD system. So --

2 CHAIRPERSON JONES: All right. But you've been
3 told that it's been approved and it's been signed? You're
4 just waiting for a copy?

5 MS. MORGAN: Yeah, we received feedback from
6 their legal counsel on that.

7 CHAIRPERSON JONES: So If the Committee wants to
8 put this on consent, it would be -- it could be pulled if
9 in fact a copy didn't exist?

10 MS. MORGAN: Yeah.

11 CHAIRPERSON JONES: Okay. Go ahead with your
12 item.

13 COMMITTEE MEMBER EATON: Did you want to -- do we
14 have someone to present it?

15 CHAIRPERSON JONES: Do we have anybody that --

16 COMMITTEE MEMBER EATON: Otherwise we can just
17 run it to see if they come down and go forward with the
18 rest of the --

19 MS. MORGAN: Actually we can go ahead and make
20 that presentation.

21 CHAIRPERSON JONES: Okay. Go.

22 MS. MORGAN: All right. Public Resources Code
23 40970 allows cities and counties to form a regional agency
24 for the purpose of meeting the waste diversion
25 requirements.

1 Board staff and legal counsel have reviewed this
2 regional agency agreement and determined that all
3 statutory provisions of Public Resources and Government
4 Codes have been met. Therefore, staff is recommending
5 approving the formation of a regional agency between the
6 Ironhouse Sanitary District, the City of Oakley, and
7 Contra Costa County.

8 The County of Contra Costa, which at that time
9 included the Ironhouse Sanitary District and Oakley area
10 and all of the other unincorporated regions, achieved a 33
11 percent diversion rate for 1999 and 46 percent in 2000.

12 To determine the level of SRRE and HHWE
13 implementation the staff analyzed the historic diversion
14 rate trend, which has reached 50 percent in the earlier
15 years, but has recently declined due to construction
16 activity, which the unincorporated county is addressing;
17 and staff have also conducted a program verification site
18 visit both in 2001 and 2002.

19 The jurisdictions programs and staff analysis of
20 these programs can be found in detail on page 31-3 of your
21 binder.

22 Some of the major programs that have been
23 implemented by the county include cooperative curbside
24 programs in all regions of the unincorporated county,
25 promoting several commercial haulers and recycling

1 businesses, a very aggressive countywide outreach and
2 education program, as well as school recycling and
3 composting programs.

4 Staff is recommending the Board find that the
5 Contra Costa unincorporated has made a good faith effort
6 in meeting the diversion requirements.

7 That concludes staff's presentation.

8 CHAIRPERSON JONES: Mr. Eaton.

9 COMMITTEE MEMBER EATON: I'll give the Chair a
10 rest on her voice. She had too many of those.

11 I'll move that we adopt Resolution 2002-389.

12 COMMITTEE MEMBER MOULTON-PATTERSON: Second.

13 COMMITTEE MEMBER EATON: Subject to the
14 requirements that we have a signed copy and what have you,
15 and either the Executive Director and/or Mr. Schiavo prior
16 to the consent calendar advise us thereso and on the
17 record.

18 CHAIRPERSON JONES: Great.

19 Substitute the previous roll?

20 And put it on consent, subject to that signed
21 copy.

22 CHAIRPERSON JONES: And Item 31.

23 Item 31 is the good faith effort for the area.

24 And I'll move adoption of Resolution 2002-390, consider of
25 the 1999-2000 biennial review finding for the Source

1 Reduction and Recycling Element and Household Hazardous
2 Waste Element for the unincorporated area of Contra Costa
3 County.

4 COMMITTEE MEMBER MOULTON-PATTERSON: Second.

5 CHAIRPERSON JONES: We've got a motion and a
6 second.

7 Substitute the previous roll?

8 And put it on consent?

9 So ordered.

10 Item number 24.

11 DEPUTY DIRECTOR SCHIAVO: Item Number 24 is
12 consideration of the 1999-2000 biennial review findings
13 for the Source Reduction and Recycling Element and
14 Household Hazardous Waste Element for the cities of Lake
15 Elsinor, Murrieta, Perris, Riverside County.

16 Melissa Vargas will be making this presentation.

17 MS. VARGAS: Good morning, Committee Members.

18 Staff conducted the 1999-2000 biennial review for
19 Lake Elsinor, Murrieta, and Perris Source Reduction and
20 Recycling Element and Hazardous Household Waste Element.

21 Program implementation and diversion rate
22 achievements. These jurisdictions have claimed biomass
23 diversion credit. As shown in the handout for this item,
24 the jurisdiction's 2000 diversion rates wood biomass would
25 be: Lake Elsinor, 48 percent; Murrieta, 49 percent; an

1 Perris, 49 percent.

2 In their 2000 annual reports lake Elsinor,
3 Murrieta, and Perris each submitted an SB 1066 time
4 extension to the Board indicating that additional program
5 development was necessary. Subsequently the cities filed
6 for biomass diversion credit. To determine the level of
7 SRRE and HHWE implementation staff conducted site visits
8 in 2002.

9 Because these jurisdictions have demonstrated
10 that they are implementing their SRRE and HHWE, and
11 although they have not met the diversion requirements, the
12 cities are committed to further program development in
13 order to ensure that they will continue to meet and
14 maintain the 57 percent diversion requirements, staff
15 recommends the Board approve staff's biennial review
16 findings.

17 A representative for the cities is present to
18 answer any questions.

19 This concludes my presentation.

20 CHAIRPERSON JONES: Any questions?

21 Mr. Eaton.

22 COMMITTEE MEMBER EATON: Just for staff. How
23 many cities are claiming credit for this facility? And
24 what is the percentage of each city? As I added up some
25 of them, I'd like for you to go back through and add up.

1 It seems to me it's well over 100 percent from the
2 facilities.

3 CHAIRPERSON JONES: The biomass facilities, that
4 they're all identifying --

5 COMMITTEE MEMBER EATON: Yeah, each of the cities
6 are claiming, yeah.

7 Has anyone done an analysis to find out, you
8 know --

9 MS. MORGAN: Cara Morgan, Office of Local
10 Assistance.

11 Actually, Board Member Eaton, we did --

12 COMMITTEE MEMBER EATON: Do you have that with
13 you?

14 MS. MORGAN: I don't. But we can get that. We
15 actually met with the biomass facility as well as the
16 county, reviewed their weight ticket reporting system as
17 well as the summary reports for 2000. This agenda item
18 reflects some revisions to that tonnage. And we did
19 ensure that there was a mass balance for all of the
20 jurisdictions claiming the biomass. So -- and we do have
21 that information. We could make that available.

22 CHAIRPERSON JONES: Okay. Because I think we
23 had -- we had five or six from the Coachella Valley,
24 right?

25 MS. VARGAS: Right. And --

1 CHAIRPERSON JONES: To last month and then --

2 MS. VARGAS: Right. And what the county did,
3 along with staff, is re-reviewed those tonnages. And
4 those cities are in the eastern portion of Riverside
5 County, so those tonnages weren't affected. So we did go
6 back to check to make sure those tonnages and those
7 diversion rates were accurate. This agenda item only
8 shows the revisions to those tonnages. So these are the
9 only cities that were affected. And I believe these are
10 the last of the cities that are claiming biomass.

11 COMMITTEE MEMBER EATON: Well, I think that --
12 but there's four others who aren't, weren't there?

13 MS. VARGAS: For Riverside County that are
14 claiming --

15 COMMITTEE MEMBER EATON: So there are other
16 cities that are going to claim, they're just not from
17 Riverside County?

18 MS. VARGAS: I have no idea what other counties
19 are doing. I'm strictly speaking about Riverside County.

20 CHAIRPERSON JONES: Maybe much like the L.A. fix,
21 we could do a thing to make sure we're not giving away 200
22 percent of the material.

23 All right. Any other questions?

24 Motion?

25 COMMITTEE MEMBER MOULTON-PATTERSON: Were you

1 comfortable going ahead with it or -- I mean can I move it
2 if --

3 COMMITTEE MEMBER EATON: Yeah.

4 COMMITTEE MEMBER MOULTON-PATTERSON: Okay. I'll
5 go ahead and move Resolution 2002-381, consideration of
6 the '99-2000 biennial review findings for the Source
7 Reduction and Recycling Element and Household Hazardous
8 Waste Element for the cities of Lake Elsinor, Murrieta,
9 Perris, Riverside County.

10 CHAIRPERSON JONES: Okay. I'll second.

11 Substitute the previous roll?

12 Mr. Eaton, Okay?

13 COMMITTEE MEMBER EATON: Okay.

14 CHAIRPERSON JONES: And put it on consent.

15 COMMITTEE MEMBER EATON: I'd still like to see
16 the report prior to the Board meeting.

17 CHAIRPERSON JONES: Okay. Could you make -- I
18 know you will -- make sure that that happens.

19 I have a note from Eric on that last one, they're
20 faxing over a signed copy of the thing right now.

21 Thanks, Eric.

22 Okay. That was Item 24.

23 What did you want to -- Okay. We're on item 26K.

24 DEPUTY DIRECTOR SCHIAVO: Okay. I'd like to
25 combine item 26, 27 and 28. And these are consideration

1 of the 1999-2000 biennial review findings for the Source
2 Reduction and Recycling Element and Household Hazardous
3 Waste Element for the cities of Newport Beach, Los
4 Alamitos, and Fountain Valley, all in Orange County.

5 And Maria Kakutani will be making this
6 presentation.

7 MS. KAKUTANI: Good morning, Committee Members.

8 Staff conducted a 1999-2000 biennial review for
9 Newport Beach, Los Alamitos, and Fountain Valley's Source
10 Reduction and Recycling Elements and Household Hazardous
11 Waste Element program implementation and diversion rate
12 achievements.

13 To determine the level of program implementation
14 staff analyzed the historic diversion rate trend, which
15 has been trending upwards, and conducted site visits in
16 2002. For the cities of Newport beach and Los Alamitos,
17 both the jurisdiction's programs and staff analysis for
18 these programs can be found in detail on Page 26-3 and
19 27-3, respectively, in your binder.

20 Some of the major programs that have been
21 implemented include the material recovery facility in
22 Stanton, commercial on-site pickup, construction and
23 demolition recycling.

24 For the City of Fountain Valley both the
25 jurisdiction's programs and staff analysis of these

1 programs can be found in detail on Page 28-3 of your
2 binder.

3 Some of the major programs that have been
4 implemented include residential curbside, business waste
5 reduction program, concrete asphalt rubble recycling.

6 Staff recommends the Board finds that Newport
7 Beach, Los Alamitos, and Fountain Valley have made a good
8 faith effort in meeting diversion rate requirements.

9 Representatives of the cities are present to
10 answer questions.

11 And this concludes my presentation.

12 CHAIRPERSON JONES: Do we have any questions?

13 Madam Chair.

14 COMMITTEE MEMBER MOULTON-PATTERSON: I'd like to
15 move Resolution 2002-384, consideration of the '99-2000
16 biennial review findings for the Source Reduction and
17 Recycling Element and Household Hazardous Waste Element
18 for the City of Newport Beach -- can we do these together
19 or should we do them separately?

20 CHAIRPERSON JONES: Can we do all three, just
21 identify the --

22 STAFF COUNSEL BLOCK: You could do one motion.
23 But you want to identify all -- since there are three
24 separate resolutions.

25 COMMITTEE MEMBER MOULTON-PATTERSON: -- all the

1 numbers. Okay.

2 So I'd like to make it for Resolution 2002-384,
3 the City of Newport Beach; 2002-385, the City of Los
4 Alamitos; and 2002-386, the City of Fountain Valley.

5 COMMITTEE MEMBER EATON: Second.

6 CHAIRPERSON JONES: We've got a motion and a
7 second.

8 Substitute the previous roll?

9 Put it on consent?

10 So ordered.

11 Item Number N, 29, Solana Beach.

12 DEPUTY DIRECTOR SCHIAVO: Item 29 is
13 consideration of the 1999-2000 biennial review findings
14 for the Source Reduction and Recycling Element and
15 Household Hazardous Waste Element for the City of Solana
16 Beach, San Diego County.

17 And Melissa Vargas will be making this
18 presentation.

19 MS. VARGAS: Good morning.

20 The City of Solana Beach diversion rate for 1999
21 is 47 percent and for 2000 it's 46 percent.

22 To determine the level of Source Reduction and
23 Recycling Element and Household Hazardous Waste Element
24 implementation, staff analyzed the historic diversion
25 trend, which has been at or above the 50 percent range for

1 two out of the six years; and analyzed the trend in their
2 disposal for 2001, which has decreased over 1000 tons from
3 2000; and conducted a program verification site visit in
4 2002.

5 Both the jurisdiction's programs and staff
6 analysis of these programs can be found in detail on Page
7 26-6 in your binder.

8 Some of the major programs that have been
9 implemented include: Business waste reduction, commercial
10 on-site pickup, school recycling and composting, curbside
11 collection.

12 Based upon staff's program review, staff
13 recommends the Board finds that Solana Beach has made a
14 good faith effort in meeting diversion requirements.

15 Representatives are present to answer any
16 questions.

17 This Concludes my presentation.

18 CHAIRPERSON JONES: Are there any questions of
19 staff?

20 I saw my friend, J. C. Davies out there, who is
21 putting an awful lot of programs together down in that
22 part of the country.

23 I'm going to move, if it's okay with the members,
24 adoption of Resolution 2002-387, consideration of the
25 '99-2000 biennial review findings for the SRRE and HHWE

1 for the City of Solana Beach, San Diego County, for their
2 good faith effort.

3 COMMITTEE MEMBER EATON: Second.

4 CHAIRPERSON JONES: We've got a motion and a
5 second.

6 Substitute the previous roll?

7 And put it on consent?

8 Thank you. So ordered.

9 All right. Item Number 30, which would be item
10 O.

11 DEPUTY DIRECTOR SCHIAVO: Thirty is consideration
12 of the 1999-2000 biennial review findings for the Source
13 Reduction and Recycling Element and Household Hazardous
14 Waste Element for the city of Placerville, El Dorado
15 County.

16 And Kyle Pogue will be making this presentation.

17 MR. POGUE: Good morning. Kyle Pogue, Office of
18 Local Assistance.

19 Staff has conducted a 1999-2000 biennial review
20 of the City of Placerville and finds that city is
21 adequately implementing source reduction, recycling,
22 composting and public education and information programs.

23 Placerville is claiming biomass diversion credit
24 of 982 tons, which raises the city's diversion rate from
25 44 percent to 50 percent.

1 Staff conducted site visits in 2001.
2 Additionally the city has committed to implement the same
3 list of programs as listed in El Dorado County's SB 1066
4 time extension request.

5 Because this jurisdiction has demonstrated it is
6 adequately implementing its SRRE and HHWE and has met the
7 50 percent diversion requirement and have documented that
8 they meet the conditions for claiming biomass diversion in
9 2000, staff recommends the Board approve staff's biennial
10 review findings for the City of Placerville.

11 Steve Calfee with the city is available to answer
12 any questions.

13 And that concludes my presentation.

14 CHAIRPERSON JONES: Just one question. And it's
15 probably in here and I just missed it.

16 Is this stuff all going to Rio Bravo -- I mean
17 where's the -- It's going to Rio Bravo and to Woodland?

18 MR. POGUE: And to Woodland, yeah.

19 CHAIRPERSON JONES: All right. These long term
20 or spot contracts?

21 MR. POGUE: Don't know the answer to that.
22 It's --

23 CHAIRPERSON JONES: Because so many of them have
24 shut down that it's -- I guess you'd look for a home
25 wherever you could find one.

1 MR. POGUE: Waste Management has been hauling
2 that down to K&M.

3 CHAIRPERSON JONES: Oh, and K&M distributes it.

4 MR. POGUE: Yeah, and I don't know what there
5 contract is.

6 CHAIRPERSON JONES: Gotcha.

7 All right. A motion?

8 COMMITTEE MEMBER MOULTON-PATTERSON: Okay. I'll
9 move Resolution 2002-388, consideration of the '99-2000
10 biennial review findings for the Source Reduction and
11 Recycling Element and Household Hazardous Waste Element
12 for the City of Placerville, El Dorado County.

13 COMMITTEE MEMBER EATON: Second.

14 CHAIRPERSON JONES: We've got a motion and a
15 second.

16 Substitute the previous roll?

17 And put it on consent?

18 Thank you.

19 We're just rockin' and rollin'.

20 Item Number 32, which is item Q.

21 DEPUTY DIRECTOR SCHIAVO: Okay. Item Number 32
22 and 33 are consideration of the 1999-2000 biennial review
23 findings for the Source Reduction and Recycling Element
24 and Household Hazardous Waste Element for the cities of
25 Orange Cove and Parlier in Fresno County.

1 And Cedar Kehoe will be making this presentation.

2 MS. KEHOE: Good morning, Chairman Jones and
3 Committee Members.

4 Staff have conducted the biennial review and
5 found that both of these jurisdictions have achieved the
6 2000 diversion rates of at least 50 percent and have
7 adequately implemented source reduction, recycling,
8 composting, and public education and information programs
9 as outlined in their Source Reduction and Recycling
10 Elements and their Household Hazardous Waste Elements.

11 To determine the level of Source Reduction and
12 Recycling Elements and Household Hazardous Waste Elements,
13 staff analyzed the historical rate trend, which has been
14 ranging from 66 percent as high as 77 percent for Parlier,
15 and from 87 percent to as high as 89 percent for Orange
16 Cove between the years of 1995 and 2000.

17 And staff conducted a site verification visit in
18 2002. Both the jurisdictions' programs and staff analysis
19 found that the programs -- you can find these programs in
20 detail on Page 32-2 and 33-3 of your binder.

21 Some of the major programs that have been
22 implemented by both jurisdictions include residential
23 curbside green waste, commercial on-site pickup, food
24 waste composting, education and outreach programs, and
25 household hazardous waste collection program.

1 Staff recommends that the board find that both
2 the City of Orange Cove and the City of Parlier have met
3 the program implementation and diversion rate requirements
4 and, therefore, approve the '99 and 2000 biennial reviews
5 for both cities.

6 This concludes my presentation.

7 Both Board staff and representatives of the
8 jurisdiction are available to answer any questions.

9 CHAIRPERSON JONES: Any questions?

10 Mr. Eaton.

11 COMMITTEE MEMBER EATON: I'll move that we
12 Resolution 2002-392.

13 CHAIRPERSON JONES: I'll second.

14 Substitute the previous -- we have a motion to
15 adopt Resolution 2002-392 for the City of Orange Cove in
16 Fresno County by Mr. Eaton and a second by Jones.

17 Substitute the previous roll?

18 And put it on consent?

19 Thank you.

20 And item 33.

21 COMMITTEE MEMBER EATON: Do we -- we already
22 presented 33.

23 Then I'll move we adopt Resolution 2002-393.

24 CHAIRPERSON JONES: And I'll second.

25 We have a motion to approve 2002-393 and a

1 second.

2 Substitute the previous roll?

3 And put it on consent?

4 Thank you.

5 CHAIRPERSON JONES: Item 34, which is S.

6 DEPUTY DIRECTOR SCHIAVO: Item Number 34 is
7 consideration of the 1999-2000 biennial review findings
8 for the Source Reduction and Recycling Element and
9 Household Hazardous Waste Element for the Merced County
10 Solid Waste Regional Agency in Merced County.

11 And Cedar will be making this presentation.

12 MS. KEHOE: Good morning again.

13 The diversion rate for 1999 is 48 percent and for
14 2000 it's 49 percent. To determine the level of Source
15 Reduction and Recycling Elements and Household Hazardous
16 Waste Elements staff analyzed the historical trend, which
17 has been ranging from 32 percent to 50 percent since '95,
18 and conducted a site visit in 2001.

19 Both the jurisdiction's program and a staff
20 analysis can be found in your program in detail on Page
21 34-3 of your binder.

22 Some of the programs that have been implemented
23 include backyard and on-site composting. The City of
24 Gustine and the unincorporated areas of the county have
25 residential curbside green waste collection. A

1 self-hauled green waste program exists for residential and
2 commercial. Recently developed composting facility at the
3 landfill has been put in place and concrete and asphalt
4 reuse and recycling occurs at the landfill.

5 Staff recommend that the Board find the Merced
6 County Solid Waste Regional Agency has made a good faith
7 effort in meeting the diversion requirements.

8 Representative of the Regional Agency are
9 present.

10 That concludes my presentation.

11 CHAIRPERSON JONES: Thank you.

12 We have one speaker. Lisa Kayser-Grant.

13 MS. KAYSER-GRANT: Hi. My name is Lisa
14 Kayser-Grant. I am representing the Merced Recycling
15 coalition.

16 This coalition was formed in January out of
17 frustration with the lack of adequate recycling facilities
18 and options in Merced County. Our purpose is to petition
19 Merced City and County to implement curbside recycling in
20 all of the cities and unincorporated area of the county.

21 The Coalition currently has over 75 groups signed
22 on, and these represent a variety of civic, business and
23 religious organizations. And, in addition, we have
24 gathered an impressive number of signatures from the
25 public on petitions supporting curbside recycling.

1 We've had representatives attend and speak at
2 every city council meeting since March. And the city has
3 responded and has sent out preliminary requests for
4 proposal, and has received some as well. They're
5 currently evaluating two proposals that they have
6 received.

7 The city council has indicated that the support
8 we are generating can be crucial to passing curbside
9 recycling in the city. And we are cautiously --
10 cautiously optimistic that it will pass in the city.

11 One of the barriers that we faced in recent times
12 to curbside recycling is the county's approach to
13 implementation of AB 939. In 1995 the cities and
14 unincorporated county elected to regionalize for purposes
15 of compliance with AB 939. As a result all the
16 jurisdictions in the county have been able to nearly meet
17 the 50 percent diversion requirement by sharing the
18 credits of two business; that's Foster Farms and Cable
19 Core World, which was formally World Color Press.

20 At this time the county is doing very little to
21 implement specific programs for source reduction and
22 recycling, and past citizen attempts to implement curbside
23 recycling have failed.

24 It's interesting to note that if Foster Farms
25 were not counted in our diversion credits, the county

1 agency would be down to only 20 percent diversion.

2 Last fall the Merced City Council voted to
3 implement a residential green waste program in order to
4 get the last few percentage points towards their 50
5 percent. But at the same time a curbside program for
6 recycling which was being evaluated was not voted for --
7 was voted down. And one of the reasons was it was not
8 going to be needed to meet the diversion requirement.

9 So AB 939 has been used in our county as support
10 for avoiding implementation of some source reduction and
11 recycling programs.

12 The Merced Recycling Coalition will be working on
13 getting curbside recycling adopted in all of our cities as
14 well as the unincorporated areas of the county. And we
15 are also interested in other waste reduction programs.

16 However, with each program implemented within the
17 county, we foresee the possibility of greater objections
18 to implementation of further new programs based on the
19 county's having already achieved their 50 percent
20 reduction -- or diversion rather.

21 Considering how little has been done by the
22 cities in our county to implement source reduction and
23 recycling programs, the Merced Recycling Coalition is
24 unclear how the agency is at or near its 50 percent
25 diversion, and our attention is focused on the compliance

1 figures to the extent that they are used to undermine
2 implementation of new source reduction and recycling
3 programs.

4 We are thankful for the recent residential green
5 waste collection programs within the county and in the
6 city. We appreciate the positive movement in the city of
7 Merced towards possible curbside recycling. And we do not
8 want our county to be hindered by penalties, which I
9 suppose could be imposed.

10 But we do -- also do not want to continue the
11 trend of excluding new programs based on existing
12 diversion figures. And we would appreciate any assistance
13 the California Integrated Waste Management Board can give
14 us in reaching our goal of implementing serious curbside
15 recycling programs in Merced county.

16 Thank you.

17 CHAIRPERSON JONES: Thank you.

18 We're going to ask our staff to talk a little bit
19 about some of these programs that were selected. One
20 thing that you can take back to Merced county is that
21 under 2202, AB 939 compliance is not just measured at '95
22 and 2000. It's measured every two years after 2000. And
23 the fines, penalties and compliance orders stay in place.
24 I mean we still have that authority. So this is not --
25 this is an ongoing procedure now, from now until forever.

1 So if there aren't programs to support, then it would seem
2 to me that that's the time that compliance orders and
3 things have to happen.

4 But, truthfully, there's a lot of programs that
5 it looks like that're going on in Merced. May not be
6 every -- I'd like to see programs that get people involved
7 because that's how you make change, that's how you get to
8 zero waste. But we've got to kind of stick within our
9 parameters. But it's not over today.

10 Staff, we see here that curbside residential is
11 selected. Is it selected in some of the cities or --

12 MS. WILLMON: Yeah, this is the tricky part.
13 We -- Tabetha Willmon, Office of Local Assistance.

14 We actually outlined and developed the matrix,
15 which is all of the SRRE's put together and what programs
16 were collected in each Source Reduction and Recycling
17 Element. And when comparing, staff went down and did a
18 full site visit to the county and the cities and looked at
19 what was implemented versus what was selected in the city
20 Source Reduction and Recycling Elements. And when the
21 county and cities first implemented their -- or developed
22 their Source Reduction and Recycling Elements, they had
23 planned on using a couple of the large diverting
24 businesses in order to get to their diversion rate. So
25 they included that as part of their plan. And, therefore,

1 some of the programs that they selected to implement were
2 not as broad as some of the other cities had selected to
3 implement to achieve the 50-percent goal.

4 So we did compare what they had implemented to
5 what they had selected in their original source reduction
6 recycling element. And they have implemented the programs
7 that they said that they were going to do.

8 To answer your question, yes, curbside recycling
9 was only selected in the city of Gustine, and they have
10 implemented that.

11 CHAIRPERSON JONES: Okay. Any other questions?

12 Mr. Eaton.

13 COMMITTEE MEMBER EATON: I'll move that we adopt
14 Resolution 2002-394 regarding the biennial review findings
15 for Merced County Solid Waste Regional Agency.

16 COMMITTEE MEMBER MOULTON-PATTERSON: I'll second.

17 CHAIRPERSON JONES: We've got a motion and a
18 second.

19 Substitute the previous roll?

20 Thanks.

21 Put it on consent?

22 Thank you.

23 We will make sure that the other members know
24 that there was concern by the citizens that we keep
25 programs going. That will be part of my report to the

1 Board members. Okay?

2 Thanks.

3 All right. Item Number 35, T.

4 DEPUTY DIRECTOR SCHIAVO: Item Number 35 is
5 consideration of the 1999-2000 biennial review findings
6 for the Source Reduction and Recycling Element and the
7 Household Hazardous Waste Element; and consideration of
8 rescission of the previously approved petition for rural
9 reduction for the City of King City, Monterey County.

10 And Terri Edwards will be making this
11 presentation.

12 MS. EDWARDS: Good morning, Chairman and
13 Committee Members.

14 The City of King City's diversion rate for 1999
15 is 78 percent and for 2000 is 76 percent. On September
16 30th, 1997, the city received a Board-approved reduced
17 diversion rate of 31.4 percent. Due to the stability seen
18 in disposal tonnages over the past few years and the
19 city's exceptional diversion rate as well as a recent
20 establishment of a 1999 base year, Board staff has elected
21 to rescind the petition for the city at this time.

22 To determine the level of Source Reduction and
23 Recycling Element and Household Hazardous Waste Element
24 implementation, staff analyzed the historic diversion rate
25 trend, which has stabilized over the last two years since

1 the establishment of a 1999 base year and has far exceeded
2 the diversion requirement, and conducted a program
3 verification site visit in 2001.

4 The jurisdiction's programs and staff analysis of
5 these programs can be found in detail on page 35-4 of your
6 binder.

7 Some of the major programs that have been
8 implemented for this city include residential curbside
9 recycling collection, commercial on-site collection,
10 residential drop off and buy back, residential and
11 commercial self-haul green waste drop off, concrete
12 asphalt reuse, and landfill diversion.

13 Staff recommends that the Board find that the
14 City of Kings City has met the 1999 diversion requirement
15 and the reduced -- and the 2000 reduced diversion
16 requirement as well exceeded the 50 percent goal and that
17 the Board rescind the city's petition for reduced
18 diversion rate.

19 A representative from Kings City is present to
20 answer any questions.

21 And this concludes my presentation.

22 CHAIRPERSON JONES: Mr. Eaton.

23 COMMITTEE MEMBER EATON: I have a particular
24 question.

25 Could perhaps staff explain to me. My

1 understanding is this is 1999-2000 review; is that
2 correct?

3 Why then are we talking about programs that were
4 implemented in 2001 as a way to be persuasive that we as a
5 board should adopt your recommendation? It's like
6 school's recommendation. Why is that relevant.

7 DEPUTY DIRECTOR SCHIAVO: Just to show that
8 they're continuing to implement programs.

9 COMMITTEE MEMBER EATON: Right. But we're
10 doing -- but also in here, I mean you got 23 pounds per
11 person per day. These programs that are being implemented
12 are not what's diverting the material to get them the high
13 rate; is that correct? It's --

14 DEPUTY DIRECTOR SCHIAVO: Correct.

15 COMMITTEE MEMBER EATON: -- all the agricultural.
16 Where is that in here and what is the breakdown? What is
17 the breakdown between agricultural diversion and the
18 program diverse?

19 DEPUTY DIRECTOR SCHIAVO: Well, that would be --

20 COMMITTEE MEMBER EATON: I'm just trying to
21 get -- when we look at something, I don't want to be
22 persuaded one way or the other by items that aren't
23 relevant. And if I'm looking at something as to what they
24 did during that timeframe, what they've done subsequent is
25 a different snapshot. So 2001 doesn't mean anything to

1 me. And this is the same King City, if I remember, that
2 came many, many years ago and said they could never reach
3 it. Then all of a sudden they had a consultant and they
4 did all these wonderful things and came up with
5 agricultural waste.

6 So what's the difference there for those
7 programs? That's how I want to be able to judge what
8 they're doing.

9 MS. EDWARDS: Actually what the 1999 -- you know
10 that that was based on a base-year study that was approved
11 by the Board last year?

12 COMMITTEE MEMBER EATON: And not without some
13 controversy either.

14 MS. EDWARDS: Correct.

15 CHAIRPERSON JONES: We took that down quite a
16 bit, right?

17 MS. EDWARDS: Yeah. And so the 2000 rate would
18 be a continuation off of that base year. And the programs
19 were continuing as they were reported in the 1999 item
20 that we brought forward with the new base year.

21 The programs did proceed as they had in 1999.

22 DEPUTY DIRECTOR SCHIAVO: The breakdown of
23 commercial to the residence is about the 96 percent
24 commercial waste, which is comprised of that agricultural
25 waste. And it's 4 percent residential, so the residential

1 makes up a very small portion of the entire waste stream.

2 MS. EDWARDS: It is -- by commercial.

3 CHAIRPERSON JONES: Right. And the commercial
4 is -- there's packing and a lot of that stuff that's --
5 it's all --

6 MS. EDWARDS: The main thing is a packing
7 plant -- packing plants.

8 CHAIRPERSON JONES: Right. And that's where
9 they're getting the majority of their diversion.

10 MS. EDWARDS: Correct.

11 COMMITTEE MEMBER EATON: And where's that in the
12 write-up?

13 DEPUTY DIRECTOR SCHIAVO: The packing plant's not
14 in the write-up, you're right. The amount of --

15 COMMITTEE MEMBER EATON: I just want -- I mean I
16 understand you guys got a lot to do. But when someone
17 comes here before the public, I want to find out where
18 they're getting a diversion. One could take what was
19 being done with the programs as how they're getting their
20 rate. That's not the case. This is a situation, and
21 which I'm sympathetic to because of the agriculture
22 community, which has by virtue of its position been able
23 to obtain diversion under the law.

24 But I also want other jurisdictions to know that
25 it's not because we're letting them off the hook for

1 programs and other things, because there's many other
2 jurisdictions who by their geographical location in
3 northern and southern California don't have that
4 advantage. And they have to work and do things. And I
5 think that I was just looking for a little bit of balance
6 here.

7 CHAIRPERSON JONES: Yeah. I think it was an
8 oversight -- I hope it was an oversight, because -- you
9 know, a couple of ones back when we talk about fruit
10 culls, I think we were at 89 or 86 percent. But fruit
11 culls were the majority, and that's part of the waste
12 stream. So if, you know -- just a quick question.

13 When the base year was done originally, I mean it
14 had some astronomical number that after the Board -- after
15 you guys went in and really looked at it, it dropped down.

16 MS. EDWARDS: It was originally proposed for 89
17 percent.

18 CHAIRPERSON JONES: Okay. And you guys dropped
19 it down to --

20 MS. EDWARDS: -- 76.

21 CHAIRPERSON JONES: Okay.

22 MS. EDWARDS: No, wait, 78. Sorry.

23 CHAIRPERSON JONES: Great. Okay.

24 Thank you.

25 COMMITTEE MEMBER EATON: I think if I remember

1 correctly I did not vote for their base year adjustment.
2 But I will be happy to move it along to the full
3 Committee. I don't -- you know, I mean it's just a
4 personal preference.

5 CHAIRPERSON JONES: This was an adjustment that
6 we had a problem with. We had three of them that came
7 forward.

8 COMMITTEE MEMBER EATON: Correct. From the same
9 area.

10 CHAIRPERSON JONES: And from the same folks.

11 COMMITTEE MEMBER EATON: So I'm happy to, you
12 know, to vote that we move it to the full Committee. You
13 can take it up quickly that day or whatever. I just --
14 you know, I want to go back through and check and see if I
15 voted for the base year.

16 CHAIRPERSON JONES: No problem.

17 All right. We're going to move this to the full
18 Board without a recommendation.

19 Item --

20 COMMITTEE MEMBER EATON: Mr. Jones, if I did vote
21 for the base year adjustment, I will make that. And maybe
22 we'll be able to put it on consent if Madam Chair would
23 agree to it at that time. And that way we will avoid any
24 problem.

25 CHAIRPERSON JONES: Why don't we do this: I'll

1 make a motion now, because we have to have a motion first,
2 and it will be contingent on you finding -- it can get
3 pulled off of consent without a problem if in fact it
4 needs to be pulled off.

5 So I'll move adoption of Resolution 2002-395,
6 with the understanding that it may get pulled off consent
7 if one of the members can't find the information that he
8 needs.

9 COMMITTEE MEMBER MOULTON-PATTERSON: Second.

10 CHAIRPERSON JONES: We've got a motion by Jones,
11 a second by Moulton-Patterson.

12 Substitute the previous roll?

13 So done.

14 It will be on consent. It may get pulled. So
15 whoever's presenting it knows that --

16 COMMITTEE MEMBER EATON: And in that case all it
17 is -- you don't even have to hear the item. I would think
18 you'd just pull it off. And I'd just vote -- record, you
19 know, "abstain" or "no" and move forward.

20 CHAIRPERSON JONES: Okay. Gotcha.

21 Thanks, Mr. Eaton. That's a good solution.

22 Item Number 36. And 36 is the City of Monterey
23 Park.

24 DEPUTY DIRECTOR SCHIAVO: This is --

25 CHAIRPERSON JONES: I just want to say, I've got

1 a letter in last night's mail from the city asking for
2 some stuff. I think what I want to do right now is take
3 about a 10-minute break. And I think there's supposed to
4 be a representative -- okay. And let's take a 10 minute
5 break because that will give everybody a chance to take a
6 breather.

7 Thanks.

8 (Thereupon a brief recess was taken.)

9 CHAIRPERSON JONES: All right. Welcome back from
10 the break. Mr. Schiavo -- I'm sorry.

11 Members, any ex partes?

12 Mr. Eaton.

13 COMMITTEE MEMBER EATON: I just had a little
14 "hello" to Sean Edgar and discussed the Sudden Oak status.

15 CHAIRPERSON JONES: Okay. Madam Chair.

16 COMMITTEE MEMBER MOULTON-PATTERSON: None.

17 CHAIRPERSON JONES: And I had a couple. I had
18 with Denise Delmatier and the City of San Francisco, had a
19 little discussion about timing of the NDFE submittal, and
20 they're working on it. And we may have to hear that the
21 second day of the Board meeting because of San Francisco
22 supervisors working until 8, 9, or 10 o'clock at night,
23 they may not have a copy of the NDFE resolution for us.
24 So we may have to hear that the second day of the meeting,
25 which means the permit and the NDFE would have to be on

1 the second day.

2 And then I had a discussion with a Leas Secollie
3 from the City of Monterey Park on the item that we are
4 about to hear right now.

5 Mr. Schiavo.

6 DEPUTY DIRECTOR SCHIAVO: Item Number 37 is
7 discussion of jurisdictions that have reserved the right
8 but have not submitted an SB 1066 application and have
9 received 60-day notification for submittal of an
10 application --

11 CHAIRPERSON JONES: Mr. Schiavo, aren't we on 36?
12 Thirty-six is Monterey Park, right.

13 DEPUTY DIRECTOR SCHIAVO: Yeah, we are.

14 CHAIRPERSON JONES: U.

15 DEPUTY DIRECTOR SCHIAVO: I'm ahead, yeah.

16 CHAIRPERSON JONES: That's all right. You're
17 always thinking ahead. That's what I like about you.

18 DEPUTY DIRECTOR SCHIAVO: Focusing on the next
19 moment. Okay.

20 Number 36 is consideration of the 1999-2000
21 biennial review findings for the Source Reduction and
22 Recycling Element and Household Hazardous Waste Element,
23 and consideration of issuance of a compliance order
24 relative to the 1999-2000 biennial review findings for the
25 City of Monterey Park, Los Angeles County.

1 And Steve Uselton is to make this presentation.

2 CHAIRPERSON JONES: We can cut this to the quick,
3 Mr. Uselton, if you'd like.

4 MR. USELTON: That would be great.

5 CHAIRPERSON JONES: City of Monterey Park, to
6 inform everybody, has been communicating with our staff
7 but sent me a letter that I received late last night as
8 the Chairman of this Committee asking for a delay to
9 actually hear the item. The delay in and of itself is not
10 consistent with the direction what we've given our staff
11 as a Board to not only continue to work with jurisdictions
12 to gain compliance, but to make sure to hold tight to
13 schedules. And what we've -- what was submitted along
14 with the letter was a performance timetable that the
15 city -- and I think it's fair to say that there was a lack
16 of communication between the city and our staff early on,
17 and then they knew that they were going to go on a
18 compliance order and they have entered into contracts to
19 take care of the things that need to be done. Part of the
20 letter I've got established a timeframe that takes us
21 through August 16th to complete the issues that they would
22 be put on a compliance order to complete.

23 We're going to accept, if it's okay with the
24 other Committee members, this schedule as a performance
25 schedule and hold the City of Monterey Park accountable.

1 We will also schedule this item for the September Board
2 Meeting. If this schedule is not met, this will be
3 continued to September and there will be a compliance
4 hearing to put the City of Monterey Park on compliance or
5 we will get a new base year and those issues so that we
6 can get you on the road to compliance.

7 That's what I talked to the city and our staff
8 about. We're going to call this a performance schedule
9 that must be met by the city, and knowing that September
10 1st this is going to be rolled over to the agenda -- I
11 mean just make sure that this notice works for the
12 September meeting. If they fail to meet this schedule, we
13 will have -- you know, I mean we're going to go on their
14 word that this compliance schedule's going to be met so
15 there's no need to write up another compliance schedule.

16 My motion would be, Members, to amend -- do I
17 need a motion -- do I need this motion number, Elliot.

18 STAFF COUNSEL BLOCK: No. The resolution that
19 you've got in the package is actually for adopting the
20 compliance order. So what you would do is simply make a
21 motion continuing this item to September based on the
22 timetable that's been provided, with the understanding
23 that if it's not met, we'll be hearing this item in
24 September.

25 CHAIRPERSON JONES: Okay. Does that give all the

1 way we need to to this compliance schedule? Because I'm
2 taking this at face value from the City of Monterey Park,
3 and I think my fellow members are, that this is the
4 schedule that they're going to meet.

5 STAFF COUNSEL BLOCK: Right. Well, you'll be
6 making -- essentially making that a part of the record,
7 along with the motion and --

8 CHAIRPERSON JONES: So no resolution number?

9 STAFF COUNSEL BLOCK: That's correct.

10 CHAIRPERSON JONES: All right. My motion is that
11 we're going to continue this to September 1st, but we are
12 going to accept from Monterey Park this project schedule
13 and we are going to hold the City of Monterey park to this
14 schedule, and then we will evaluate it September 1st. And
15 it's either going to be a compliance order hearing in
16 September or it's going to be a new base year and
17 biennial, whatever we need to do.

18 That's my motion.

19 COMMITTEE MEMBER MOULTON-PATTERSON: I'll second
20 that.

21 CHAIRPERSON JONES: I have a motion by Jones, a
22 second by Linda Moulton-Patterson.

23 Would you call the roll please.

24 SECRETARY BAKULICH: Eaton?

25 COMMITTEE MEMBER EATON: Aye.

1 SECRETARY BAKULICH: Moulton-Patterson?

2 COMMITTEE MEMBER MOULTON-PATTERSON: Aye.

3 SECRETARY BAKULICH: Jones?

4 CHAIRPERSON JONES: Aye.

5 Thank you.

6 COMMITTEE MEMBER EATON: Now, Mr. Jones, are you
7 going to handle that in your report to the full Board just
8 so that they're aware, or do you want to do a consent? It
9 doesn't matter to me. I just want to make sure.

10 CHAIRPERSON JONES: I'd like it to be on consent.
11 And I will handle it as a -- or, Mr. Block, what do you
12 suggest?

13 STAFF COUNSEL BLOCK: Well, right. Since you
14 continue it, essentially it's not going forward to the
15 Board. So it wouldn't be on consent. You could just make
16 it part of the report.

17 CHAIRPERSON JONES: I'll make it part of the
18 report.

19 Okay. Thank you.

20 All right. Mr. Schiavo, Item 37, V.

21 COMMITTEE MEMBER EATON: Is this where he started
22 the 1066?

23 Okay. When we originally talked before, we had
24 talked about -- and I have a sheet which is very
25 helpful -- about length of requests and things of that

1 nature. Now, I don't -- in reading through all the items,
2 I notice that there's not one request for the length
3 that's being requested that you as staff have not
4 recommended or are in agreement with with the
5 jurisdiction; is that correct on this?

6 MS. MORGAN: Mammoth Lakes is one example where
7 they originally requested through July 2005. And we're
8 recommending December 31st, 2004.

9 COMMITTEE MEMBER EATON: Okay. And is that the
10 only one?

11 MS. MORGAN: I believe so.

12 COMMITTEE MEMBER EATON: And the reason why--
13 I'm just trying to get some -- what I'm trying to do here
14 is get some consistency with the way we as a Board
15 approach these. When we first started out with the
16 1066's, if they were in the upper 40's, then they got a
17 little bit longer. But in rare cases did anyone ever get
18 a three-year extension that we're in the low 40's, because
19 the whole idea policy-wise was to bring them back within
20 18 to 24 months to see if they were actually on the road.
21 Because if you push it all the way up to 2005, you're
22 running the risk where either 1066 could expire and you're
23 giving them 18 months or less than a year to say to
24 comply.

25 Do you remember that policy discussion?

1 MS. MORGAN: Yes.

2 COMMITTEE MEMBER EATON: And now we're back
3 here -- and I'm not doubting you guys, but I want to get
4 some consistency here so that when jurisdictions come in,
5 we don't have to go through this. I don't want to -- you
6 know, and I can't vote for a jurisdiction that's in the
7 low 40's for three years and run me right up against the
8 end. I mean the whole idea was, you know, the ones that
9 are real high, you don't need to see them that often; but
10 if they're in the low 40's or 30's, you need to bring them
11 back even with the annual reporting to see because we need
12 to have them back. And if there needs to be another
13 corrective action plan to get them there, even if they're
14 in the low 40's or upper 30's, we can do it at that time.
15 When you run into some of these cases where the July 2005
16 and beyond that, that makes it very difficult, because if
17 they don't, then you've got to schedule a hearing and then
18 that becomes the fall of 2005, and then you bring them
19 back and you've got to approve a plan and that gets us
20 into 2006 which is when it's over. So I'm just trying to
21 get some policy movement. And that will help you guys
22 too. Just say, "We're not -- " "You know, you can request
23 it, but it's not going to get recommended, the Board's not
24 going to approve it." So, you know, 18 months or
25 whatever -- because they can request extensions. But that

1 also gives the Board the opportunity to again review the
2 corrective action plan to see if they're in the right
3 direction or can we work something else out, or maybe they
4 don't need it.

5 You know, so there's a double-edged sword there.
6 So, you know, I'm going to recommend that we not approve
7 some of these requests for the length. Not that we don't
8 approve the extension, but the length is what concerns me.

9 COMMITTEE MEMBER MOULTON-PATTERSON: Is there any
10 downside that you see to that? Because I tend to agree
11 with Mr. Eaton. You know, if there needs to be
12 corrections, we need to see them.

13 DEPUTY DIRECTOR SCHIAVO: Yeah, we're -- oh, I'm
14 sorry.

15 COMMITTEE MEMBER MOULTON-PATTERSON: I'd just
16 like to know if you saw a downside to that?

17 DEPUTY DIRECTOR SCHIAVO: Yeah, in a couple of
18 cases what it does is it puts us in the midst -- because
19 there is a process of approvals, of ordering, of
20 construction. In some cases the construction elongated
21 the timeframes, such as, you know, South Lake Tahoe, for
22 instance. They're constructing a facility and that
23 elongated the process. And so in our eyes that looked
24 reasonable considering the programs that were being added
25 or -- it wasn't a continuation of programs. So it was the

1 addition of one in particular that just by its nature took
2 a little bit longer than a typical program would.

3 COMMITTEE MEMBER EATON: Is it under
4 construction?

5 DEPUTY DIRECTOR SCHIAVO: Right now, I don't
6 believe so. I'm not sure --

7 COMMITTEE MEMBER EATON: And, see, that's the
8 whole point. You know, we had a situation a couple weeks
9 ago where they said they were going to build a MERF, and
10 they didn't build a MERF. Do you remember that one? And
11 so the whole idea is that I want to see the stuff back
12 before. And, you know, they can say they're going to do
13 X, Y, and Z, but that's not the case.

14 And so how are we from a policy standpoint?

15 COMMITTEE MEMBER MOULTON-PATTERSON: Some of us
16 won't even be here in July 2005.

17 DEPUTY DIRECTOR SCHIAVO: Part of the process for
18 knowing what's going on is the --

19 COMMITTEE MEMBER EATON: When we hit the lottery?
20 We're all trying.

21 DEPUTY DIRECTOR SCHIAVO: Well, outside of the
22 lottery -- what we are looking at is that they would be
23 reporting to us every six months on the progress. And we
24 were going to bring some of those progress reports, as
25 directed, back to the Board to see --

1 COMMITTEE MEMBER EATON: And what happens if
2 they're not going on the progress report? If you've
3 already given an extension of time, you have no recourse,
4 none. The extension goes up to 2005 if -- as long as they
5 do the reports, and maybe they're not following it, they
6 have all the way up to that 2005 to get that goal. There
7 is no recourse.

8 STAFF COUNSEL BLOCK: The recourse -- you're
9 absolutely correct. During the course of the extension,
10 even if they're not meeting some of the intermediate
11 timelines, they're okay. However, if they in fact then do
12 not do what they said they would do, by the end of the
13 extension, presumably they'd be coming for another
14 extension, and the Board would be denying it and
15 essentially looking at compliance orders and fines at that
16 point. So --

17 COMMITTEE MEMBER EATON: But the Chair is most
18 perceptive that some of us may not be here. But, you
19 know, history has a way of rewriting itself during that
20 time.

21 STAFF COUNSEL BLOCK: I was not suggesting that
22 any of the issues that you raised are not legitimate ones.
23 There is some recourse, but it is left in the process.

24 CHAIRPERSON JONES: I think it's -- I mean I'm
25 sensitive to what both of you are saying. But I think

1 that the reality of this program, SB 1066, which I think
2 is a very important program, is we almost have to look at
3 these on a case-by-case basis, because when you're looking
4 at building a building or ordering or doing a bunch of
5 stuff, there's a lot of processes that have to take place.

6 What I think may be helpful, or we may want to
7 think about for the policy discussion, is where there's
8 infrastructure additions as part of this extension, that
9 it not only be explained, but with some kind of a
10 construction forecast, those type -- you know, whatever
11 the approvals are, those types of things. And maybe
12 between you and Mr. Block, we can figure out a way that
13 those kinds of schedules -- you know, somehow that we get
14 those reported too, because there's been plenty of times
15 that people have refused to hear items.

16 But it takes time -- I mean if a jurisdiction is
17 going to make a commitment to build a MERF or to build a
18 big recycling facility, that works for me. That works for
19 me, and I think --

20 COMMITTEE MEMBER EATON: Right. And I agree with
21 you, Mr. Jones. But we're not in a situation where that
22 MERF is contingent upon our extension, unlike other areas,
23 where there's a compliance or something like that. I'm
24 simply saying that if you look right now, they have
25 already had a two-year extension without coming here by

1 virtue, correct?

2 CHAIRPERSON JONES: Yes.

3 COMMITTEE MEMBER EATON: And so why not just
4 bring them back after 24 months and see what the situation
5 is. All we're doing is extension. That has no negative
6 implication on whether or not they go forward with the
7 MERF. That is really a decision based upon local
8 financing and the issues by which the body politic of that
9 local jurisdiction. Our extension has no influence as to
10 whether or not they will or they won't.

11 CHAIRPERSON JONES: Well, I think our extension
12 does. But only with us --

13 COMMITTEE MEMBER EATON: You have an opportunity,
14 have more than one extension.

15 CHAIRPERSON JONES: You can have two.

16 COMMITTEE MEMBER EATON: Right.

17 CHAIRPERSON JONES: And I'm following what you're
18 saying. But what I'm worried about is if -- if we say
19 come back in two years, even if we know it's going to be a
20 two-year project minimum just to get the thing built,
21 maybe not even operational, and then two years when they
22 come back to report that it's been built and they're still
23 at the same diversion level because they haven't been able
24 to implement the programs, are we then going to say,
25 "Well, we gave you a two-year extension and you didn't

1 make it work. Why should we give you another one?" And
2 that's the balancing act that we have to be I think at
3 least cognizant of. You know, I mean there's got to be --
4 we can't have it both ways and they can't have it both
5 ways.

6 COMMITTEE MEMBER EATON: But they may not have
7 their financing in place. And so what we would have to do
8 is then just choose another course with them in the
9 partnership. It's not a situation where we wouldn't grant
10 them a subsequent extension. What we want to do is find
11 out whether or not that's accurate so that we don't
12 reach -- I mean there's a lot of uncertainties on both
13 sides. But balancing them, why not bring them back in and
14 say, "Okay, you got a two-year extension." The
15 infrastructure is not part of the 1066 extension process.
16 It's really what programs they want to implement in the
17 corrective action plan. If the MERF is one of them,
18 that's fine. I don't see us -- as long as they have their
19 financing and everything going on, they may not even need
20 the MERF at that point, and they may just come in and say,
21 "We don't need an extension. We've already reached the 50
22 percent with our existing programs or the programs that we
23 have corrective action plan." But I just want us to try
24 and get something where we have some consistency to the
25 length of time so that we can come back and look at those,

1 and not in a report, so that if there needs to be
2 recourse -- not saying that we are going to have punitive
3 measure, but if we need recourse, as Mr. Block said we
4 don't have if we let the extension go all the way. That's
5 all I'm trying to do is just get like a 24-month period --
6 and that's a long time. It's not going to affect the
7 infrastructure at all.

8 CHAIRPERSON JONES: Okay. But if --

9 COMMITTEE MEMBER EATON: They're at 42 percent
10 already.

11 CHAIRPERSON JONES: Which one?

12 COMMITTEE MEMBER EATON: Or any of them. I mean
13 the one he was referring to. I didn't want to use
14 particular examples because everyone has their difference.
15 What I'm trying to get at is some consistency though. And
16 think of it from an administrative standpoint. We as a
17 board then would be able to see category X, which
18 basically is, let's say, between 35 and 43 percent or
19 something -- and, yes, it is arbitrary -- they come back
20 on a 24-month period, but we would then be able to orderly
21 look at those on a two-year basis. I'm not saying, you
22 know, that we shouldn't look at longer lengths for those
23 who have done a good job, and a lot of them have. I just
24 want be able to see back and see that what they told us
25 was going to be in their corrective action plan two years

1 from now is actually being implemented. And if it's so
2 long, we just grant them another extension. If not, then
3 we have to look at it from a board perspective "what do we
4 do?".

5 CHAIRPERSON JONES: Right.

6 COMMITTEE MEMBER EATON: You know, okay, the MERF
7 could -- you know, local government is having a difficult
8 time under these budget constraints. One only has to go
9 back to 1991 when there was no real money available for
10 local governments to do these kinds of things.

11 We also see that with our financing from the
12 Pollution Board, they're cutting down on infrastructure
13 loans. All of those things we don't have any control
14 over. So let's work with them so that in two years from
15 now we can then put it on the right track. That's all.
16 It's a simple request.

17 CHAIRPERSON JONES: I don't have a problem with
18 the request. I just -- the backside of it is if you need
19 three years to do a program to get to 50 and they come in
20 two years and they're at 45, we can't be -- you know, I
21 mean you got to understand that their plan may have been
22 longer. And that's a problem in my mind. You know, we're
23 asking for half of the cake to be baked. But that's fine.
24 I mean if that's -- I mean I understand the two-year
25 review. But I think that we're -- I think we're missing

1 the idea that jurisdictions need time. And they've had
2 time, but this is a way to get them into compliance. And
3 we still have an ultimate thing at the end of the --
4 whatever the period of time is that they took for an
5 extension, if they're not in compliance, they're not in
6 compliance. And, you know, that's where it comes down,
7 but -- you know.

8 COMMITTEE MEMBER MOULTON-PATTERSON: Just
9 speaking for myself just from a policy view. I'm not
10 saying I would never vote for a three-year extension, but
11 I certainly would feel more comfortable looking at it
12 again in two years.

13 CHAIRPERSON JONES: Okay.

14 COMMITTEE MEMBER MOULTON-PATTERSON: Maybe these
15 need to go to the full Board. I don't know.

16 CHAIRPERSON JONES: Well, yeah. I mean that's
17 it. But we ought to sit there and hear these items and at
18 least give the members, you know, some sense of what our
19 ideas were. And then we're going to have to hear them --
20 it's obvious we're going to have to hear them at the Board
21 meeting.

22 COMMITTEE MEMBER EATON: Right. But I didn't --
23 I raised it at the beginning so I could get a general
24 policy discussion. And then when they came up, we could
25 actually get them and just say this is what we decided.

1 And either we put them on consent -- with our changes.
2 That's all I'm trying to get to. I'm not trying to get to
3 additional hearings. I'm just saying as we go through.
4 That's why I started out before we got into any
5 particulars of any jurisdiction that if we had a general
6 rule, then we would save us a lot of time and effort,
7 where it's unnecessary to try and, you know, debate
8 between 6 months and 18 months and 3 years, you know.

9 CHAIRPERSON JONES: Okay. So like Mammoth Lakes
10 is saying December of 2004. They had originally asked for
11 2004.

12 COMMITTEE MEMBER EATON: And I would agree with
13 staff's recommendation that that be reduced.

14 CHAIRPERSON JONES: That it be reduced to 2004?

15 COMMITTEE MEMBER EATON: Right, because that
16 would be one that you would keep --

17 CHAIRPERSON JONES: 2004.

18 COMMITTEE MEMBER EATON: Well, whenever the three
19 of us decide should be -- you may decide because you've
20 had experience with them that you want to actually see
21 them a little bit before. I'm not saying that's where
22 you're going to be, but you know that's what -- in
23 conversations, that you want to take a close look at that,
24 right, because they have a way not performing.

25 CHAIRPERSON JONES: I'm just trying to get in my

1 head that if we say -- we're at July 2002.

2 COMMITTEE MEMBER EATON: Right. So it would be
3 two years.

4 CHAIRPERSON JONES: So this is two and a half
5 years, right, or two years and a couple of months. That
6 would be your -- are you okay with that?

7 COMMITTEE MEMBER EATON: Yeah, I'm fine with
8 that.

9 CHAIRPERSON JONES: Okay. This one for South
10 Lake Tahoe that says July 2005, that's too much.

11 COMMITTEE MEMBER EATON: That should be '04.

12 CHAIRPERSON JONES: El Dorado's too much.

13 COMMITTEE MEMBER EATON: '04.

14 CHAIRPERSON JONES: The rest of them all look
15 like they'e within the timeframe.

16 COMMITTEE MEMBER EATON: Well, if you look at --
17 Sacramento's 45, so they're looking at --

18 CHAIRPERSON JONES: Sacramento's looking at five
19 months.

20 COMMITTEE MEMBER EATON: Right. And so that was
21 one of the other issues where if --

22 CHAIRPERSON JONES: That they should have more
23 time?

24 COMMITTEE MEMBER EATON: Right. Because we've
25 asked that question of some jurisdictions, right?

1 CHAIRPERSON JONES: Absolutely.

2 COMMITTEE MEMBER EATON: Have we -- "Do you
3 really feel that that's reasonable?"

4 CHAIRPERSON JONES: Right, right. And we have
5 asked that question a lot.

6 COMMITTEE MEMBER EATON: We've asked that
7 question because we don't want to see it coming back and
8 clogging up the calendar. We want to be reasonable in the
9 time we give. "Are you trying to put too much pressure on
10 yourselves?" And, remember, some have said, "You know
11 what? We think we can do it." And we say, "All the power
12 to you," correct.

13 CHAIRPERSON JONES: Right.

14 COMMITTEE MEMBER EATON: And so that's what I was
15 just trying the get at. I mean --

16 CHAIRPERSON JONES: Okay. I can see that.
17 Because I'm looking at this list, and they all fall within
18 it except El Dorado.

19 COMMITTEE MEMBER EATON: Sure.

20 CHAIRPERSON JONES: And we can -- El Dorado's
21 obviously made a plan that requires a longer time. They
22 are here in the audience. I saw them. We're going to
23 have that discussion. And, you know, we'll start banging.

24 But I have a question, Mr. Schiavo.

25 Did you do Item 37 yet? Or were you going to

1 postpone that? Or what were you going to do there?

2 DEPUTY DIRECTOR SCHIAVO: Yeah, we were going to
3 do it.

4 CHAIRPERSON JONES: Okay. All right.

5 Oh, that's right. This discussion was made --
6 I'm sorry. My mistake.

7 DEPUTY DIRECTOR SCHIAVO: I think I already did
8 have the introduction.

9 CHAIRPERSON JONES: All right. It was in the
10 discussion. Now I know where you're coming from, and I
11 can deal with that. Okay.

12 DEPUTY DIRECTOR SCHIAVO: Okay. Item 37 is
13 discussion of jurisdictions that have reserved the right
14 but have not submitted an SB 1066 application and have
15 received 60-day notification for submittal of an
16 application that will be served as a notice of intent to
17 issue a compliance order.

18 And Cathryn Cardoza will be making this
19 presentation.

20 MS. CARDOZA: Good morning, Committee Members,
21 Chair.

22 Staff's analysis indicates that the cities of
23 Mendota in Fresno County and Calexico in Imperial County
24 as well as the unincorporated area of Solano County have
25 not achieved the numerical diversion requirements of AB

1 939 as their diversion rates are below 50 percent and
2 adequate documentation to support a more accurate
3 diversion rate has not been submitted.

4 The Board-approved Countywide Integrated Waste
5 Management Plan, or CIWMP, Enforcement Policy, Part II,
6 identifies criteria for evaluating jurisdictions'
7 implementation of their Source Reduction and Recycling
8 Elements, or the SRRE's. The criteria established that a
9 fully implemented SRRE means a jurisdiction is both
10 implementing its selected programs and achieving the
11 numerical diversion requirements.

12 Board staff has contacted the three jurisdictions
13 listed in Attachment 1 to discuss their reported diversion
14 programs and diversion rates.

15 These jurisdictions had reserved their right
16 submit a time extension application and have agreed to
17 submit an application within 60 days of being notified of
18 staff's recommendation.

19 That completes my presentation.

20 Are there any questions?

21 CHAIRPERSON JONES: Any questions?

22 All right. Thank you.

23 Item Number 38.

24 You know, it cracks me up about one of those.

25 That they came for a new base year and they put in a bunch

1 of stuff that was kind of unusual, and they're at 40
2 percent. So it's pretty amazing, rendering.

3 Go ahead, Mr. Schiavo. Number 38.

4 DEPUTY DIRECTOR SCHIAVO: Number 38 is
5 consideration of the application for an SB 1066 time
6 extension by the town of Mammoth Lakes, Mono County.

7 And Tabetha Willmon will be making this
8 presentation.

9 MS. WILLMON: Good morning.

10 The town of Mammoth Lakes has requested to extend
11 the due date for achieving 50-percent diversion through
12 July 23rd, 2005. However, staff is recommending that the
13 extension be granted through December 31st, 2004.

14 The specific reasons the city needs the time
15 extension are as follows:

16 Program implementation was delayed for some
17 programs due to inaccurately inflated diversion rate.
18 However, the responsible town official, which was hired in
19 1999, initiated a number of program improvements. The
20 town's franchise agreement was readdressed in May of 2002
21 and the resulting program expansions will require
22 additional implementation time.

23 Differential disposal fees went into effect in
24 mid-2001 to encourage diversion of inert and C&D
25 materials, and the town needs additional time to promote

1 this activity.

2 Board staff is recommending that additional
3 diversion programs that the town has been working to
4 implement be included in the plan of correction, namely
5 the steps being taken to expand the transfer materials
6 recovery facility and also implementation of a procurement
7 policy.

8 The town has agreed to this addition. The
9 programs listed in the plan of correction are on Page 38-3
10 of your binder. The town anticipates over a 16-percent
11 increase in its diversion rate.

12 Board staff has determined that the information
13 submitted in the application is adequately documented.
14 Based on this information Board staff is recommending that
15 the Board approve the time extension request for the town.

16 And a representative from the town is present to
17 answer any questions.

18 This concludes my presentation.

19 CHAIRPERSON JONES: Quick question, Tabetha.

20 The 29 pounds per day is reflective of the
21 tourist-generated waste as well as other things divided
22 into the population of 3000 or whatever it is?

23 MS. WILLMON: Exactly. They have I think it's
24 about a 6500 -- correct me if I'm wrong, Michael -- but
25 they have about a 6500 permanent population. And they

1 have a huge influence of tourists. So I know that the
2 water district had done a study and determined it to be
3 about -- equivalent to about a population of about 17,000
4 people -- 17 to I think it was 25 at any given time during
5 the season.

6 CHAIRPERSON JONES: So that takes it down to
7 about 8 pounds a day if it would have been -- okay.

8 Questions, members?

9 Mr. Eaton.

10 COMMITTEE MEMBER EATON: This resolution reflects
11 your reduction of the length of time, right, if I'm not
12 mistaken, December 31st, 2004?

13 DEPUTY DIRECTOR SCHIAVO: Yes.

14 COMMITTEE MEMBER EATON: Then I would move that
15 we adopt Resolution 2002-391.

16 COMMITTEE MEMBER MOULTON-PATTERSON: Second.

17 CHAIRPERSON JONES: We've got a motion and a
18 second on Resolution 2002-391, consideration of an SB 1066
19 extension to December 31st, 2004, for Mammoth Lakes in
20 Mono County.

21 Substitute the previous roll?

22 Put on it consent?

23 So ordered.

24 COMMITTEE MEMBER EATON: I just want to make sure
25 we have a roll established.

1 CHAIRPERSON JONES: We did a vote, right? We had
2 one before -- Okay, good.

3 We have an established roll.

4 All right. Item Number 39, X.

5 DEPUTY DIRECTOR SCHIAVO: Okay. We're going to
6 combine Items 39 and 40. And these are consideration of a
7 application for SB 1066 time extension by the City of
8 South Lake Tahoe and the unincorporated area of El Dorado
9 County.

10 And Kyle Pogue will be making this presentation.

11 MR. POGUE: Good morning. Kyle Pogue, Office of
12 Local Assistance.

13 The City of South Lake Tahoe and the
14 unincorporated area of El Dorado County have requested
15 extensions through July 1, 2005.

16 The specific reasons these jurisdictions need a
17 time extension are as follows:

18 They both need sufficient time to evaluate and
19 select proposals for mixed waste compost facilities and
20 time to site, permit, and construct those facilities.

21 The majority of programs listed in the plan of
22 correction are projected for completion prior to the July
23 1, 2005, date.

24 The programs listed in the plan of correction
25 start on page 39-3 of the South Lake Tahoe item and on

1 page 40-3 for the unincorporated area of El Dorado county.

2 South Lake Tahoe anticipates an 8-percent
3 increase in its diversion rate, while the county plans for
4 a 9-percent increase.

5 In addition, the unincorporated area of El Dorado
6 County is requesting biomass credit of 6,574 tons,
7 resulting in a diversion increase of 5 percent.

8 Board staff has determined that the information
9 submitted in these applications is adequately documented.
10 Based on this information Board staff is recommending that
11 the Board approve the time extension requests for these
12 jurisdictions.

13 Both Sue Schlerf from the City of South Lake
14 Tahoe as well as Jon Morgan for El Dorado County are
15 available to answer any questions you may have.

16 Thank you.

17 CHAIRPERSON JONES: I have a couple questions for
18 either/or.

19 I'll wait till they come down.

20 Mr. Morgan.

21 MR. MORGAN: Good morning.

22 CHAIRPERSON JONES: Good morning.

23 I know you guys are looking pretty intensely at
24 the Herrhoff system and some other things, and that's part
25 of why you want to do this. But I think what Mr. Eaton

1 says and what Chairwoman Moulton-Patterson says makes
2 sense. They've convinced me that, you know, the extension
3 to 2005 to make a determination if you're going to use the
4 system or not is -- really puts you out quite a bit
5 longer. If we were to give you an extension to 2004, and
6 that gives you enough time to make that determination, if
7 you come forward which you have a right to do under SB
8 1066 and ask for another extension, you will have had a
9 decision made by your governing bodies whether or not
10 you're going to make the investment. But you've got plans
11 in here for C&D ordinances, which I think were important,
12 especially in your county and your city, that obviously
13 are going to be -- or I would hope are going to be
14 implemented prior to 2005, with the infrastructure to
15 support that.

16 My question is: You've submitted a 1066 -- both
17 of you have submitted 1066 based on a request to go to
18 2005. I'm not going to speak for these members, but I
19 don't think we're prepared, as you heard, to give that to
20 2005, but we are prepared to do to 2004. The evidence on
21 the mixed -- or the mixed solid waste composting should be
22 evident by the end of that compliance schedule. Whether
23 or not it's built or not, you should have a decision made
24 by then that would be the foundation for the next
25 extension. And I guess my question is: Are you -- you

1 know, we have two options here. We can either deny this
2 or we can change the date.

3 MS. SCHLERF: That sort of -- oh, I'm sorry. I'm
4 Sue Schlerf. I'm the interim City Manager for the City of
5 South Lake Tahoe.

6 If it's stated that way, we would certainly take
7 whatever extension you'd be willing to give us.

8 CHAIRPERSON JONES: What would you like to offer?
9 Because others can make other motions. What would you
10 offer.

11 MS. SCHLERF: Actually I would just like to
12 provide a little additional information partly why we had
13 requested the additional time.

14 As you know, South Lake Tahoe is a little bit
15 unique. We not only deal with State of California, but
16 because we are a bistate community, the JPA that in fact
17 is working so hard on all of these issues does include
18 Douglas County from the State of Nevada. But we are also
19 under the federal jurisdiction of Tahoe Regional Planning
20 Agency.

21 So even if the city and El Dorado County are able
22 to put together our financing and move forward, we have a
23 great deal of environmental review, we have a great deal
24 of public participation to move forward even with the
25 very, very best of plans.

1 I would let you know that both City of South Lake
2 Tahoe and El Dorado County are very supportive of the
3 program that we are proposing. They have sent staff over
4 to Germany to deal with the Herrhoff folks and to find
5 out, you know, is this going to work there. But we have
6 our own series of regulators back home in the Tahoe Basin
7 that are very strict, that require as much information as
8 this body, if not more. And sometimes the best-laid plans
9 of city managers and environmental managers are delayed.

10 And we can have many of those things in place,
11 but that does not mean that we will be able to procure the
12 property and be moving forward.

13 Again, if our choice is a two-year extension or
14 being denied, we will happily and gratefully take two
15 years. But we are a rather unique situation. You were
16 talking a little bit about the City of Mammoth. City of
17 South Lake Tahoe is in the same situation. We have a
18 permanent population of 23,000. This 4th of July our
19 crowd estimates were closer to 150 or 200,000 people in
20 the South Shore area. We have huge fluctuations and
21 people are coming there to enjoy and for convenience sake.
22 That's part of the reason why we work so very hard to
23 install a MERF at the beginning. Because our education
24 programs are ongoing, but the difference between 200,000
25 people and 23,000 people that we have educated is very

1 large. So we are somewhat unique.

2 COMMITTEE MEMBER EATON: And that's my point
3 basically, is that there are so many contingencies because
4 of you're unique situation, that before we get to the
5 brink we ought to take a look at and if you need to adjust
6 the course -- and more importantly, we can be used as your
7 leverage with those agencies, that you have extension
8 coming up. It's a double-edge sword.

9 More importantly -- and I'm quite familiar with
10 the jurisdictions that you speak about and this past
11 weekend -- you may also be under a water restriction very
12 shortly, which will cut down on your ability to water
13 lawns and, therefore, there may not be as much green waste
14 and other things, and so, therefore, it turns the other
15 way and they will use that as an argument against your
16 MERF rather than our extension. So there's all these
17 contingencies. What we'd like to be able to do is have
18 you come back in two years and say, "Where are we? What
19 do we need to do?" We might be able to actually push them
20 a little bit forward so that they can get it.

21 MS. SCHLERF: If you can push TRP, again we
22 would --

23 COMMITTEE MEMBER EATON: Oh, I'm a little bit
24 familiar with that agency.

25 CHAIRPERSON JONES: I think it -- go ahead, Jon.

1 MR. MORGAN: Jon Morgan, General Director,
2 Environmental Management for El Dorado County.

3 We have absolutely no problem coming back in two
4 years. But I think the point we're trying to make is we
5 have a very aggressive project we're trying to put forth,
6 which I don't think anybody in this state, let alone the
7 nation's, put forth. And I've been to Germany five times
8 now to make sure this thing happens. And with the issues
9 that Sue brings up, with permitting and so forth, we
10 believe it will take us about three to four years to get
11 this thing up and running.

12 But in consideration of the law and so forth,
13 coming back in two years and giving you an update and take
14 whatever steps necessary at that time are just fine.

15 CHAIRPERSON JONES: Okay. Because you will --
16 you know, if you've gotten local approval and you are
17 waiting for federal approval or whatever and you come to
18 us in two years and give us that status report, and the
19 fact that everything is in place, then the Board and you
20 have the ability to get that second extension, which
21 you're entitled to under SB 1066. But it also just kind
22 of -- it kind of keeps everybody's feet to the fire. And
23 it's preferable to this Committee that we do that if it
24 works for either of you. I do see it as an advantage, a
25 little bit of an advantage in negotiating with some of

1 those folks that you were only able to get it to your
2 extension based on the uncertainty.

3 COMMITTEE MEMBER EATON: And, Mr. Jones, if I may
4 just say, you have nine programs slated for expansion, of
5 which the MERF is just one of nine.

6 CHAIRMAN JONES: The compost.

7 COMMITTEE MEMBER EATON: The compost.

8 But I would also venture to say that with your
9 redevelopment plans and what's being taken place in the
10 next two to three years, that your C&D ordinance becomes a
11 more critical component to reaching the 50 than some of
12 these other programs. And you know that you're going to
13 be tearing down -- should I go through each of the
14 buildings, or is it sufficient?

15 MS. SCHLERF: Actually most of the demolition is
16 pretty close to done.

17 COMMITTEE MEMBER EATON: Well, but you'll be
18 building. There'll be some additional plans for the
19 building. You've got a transit center going in.

20 MS. SCHLERF: The transit center and parking
21 garage, correct.

22 COMMITTEE MEMBER EATON: Right. And so that's
23 all heavy material.

24 So what I'm trying to say is out of the nine
25 programs, if you look at some of the others while you're

1 going for the permitting process, then we'll help with the
2 permitting process, that those are key components too.
3 Because as I look at what the plans for South Lake Tahoe
4 and some of the other things, in the transit system and
5 some of the redevelopment things going on, the other
6 programs become critical, if not more critical, especially
7 in light of the fact that the lake continues to drop and
8 that we are in no assurances that we will be in a
9 nondrought situation in the coming years. So I think
10 those other programs, especially construction and
11 demolition, which seem at least according to all the
12 consultants who come before this Board seem to indicate
13 that it's the most important and the most wait and what
14 have you, I think that becomes critical to reaching the
15 success. And that will be a situation where you'll
16 probably come back to us and say, "Yeah, you know, we
17 really need to have some additional help there," and I
18 think the Board is willing.

19 It's not that you haven't done a great job. You
20 have. I'm just saying, let's just see what it is. And,
21 you know, you are sort of caught in a situation where I
22 don't want you to feel penalized, but we're trying to do a
23 policy thing for everyone who comes forward so we can take
24 a look at it. So it's not meant particular -- and if you
25 noticed when I started out the conversation, I didn't want

1 to get into particulars. But I do happen to know a little
2 bit about this jurisdiction.

3 MS. SCHLERF: Thank you.

4 Question, if I could, please.

5 If we are allowed the two-year extension this
6 time and then a subsequent two-year extension, because I
7 am guessing we will not have the facility built in two
8 years even with being very aggressive, is that the last
9 extension that we would be eligible for?

10 CHAIRPERSON JONES: The law offers, you know, the
11 two extensions. And who knows what the extension's going
12 to be between legislation. But, yeah, you're eligible for
13 two. The law, it's sunsetted in -- 2006? -- the end of
14 2006.

15 DEPUTY DIRECTOR SCHIAVO: January 1st.

16 CHAIRPERSON JONES: January, yeah.

17 So we're going to -- if you're on your road that
18 way, you'll get an extension. I mean you'll be able to
19 apply for a second extension. The timing today would be
20 2006. And that may change. It may not. It depends on
21 who asks for legislative relief. But, remember, part of
22 good faith effort is just that. You know, I mean what are
23 people doing to meet the mandates.

24 MS. SCHLERF: And we are familiar with feet to
25 the fire or gondola to the fire or whatever you care to

1 say.

2 Again El Dorado County and the City of South Lake
3 Tahoe have had a marvelous partnership and truly have been
4 working very hard to take a very unique situation and come
5 up with some solutions for the community.

6 CHAIRPERSON JONES: I think you guys -- Jeff
7 Tillman is a friend of mine. I've looked at his facility
8 for a long, long time. And I know that between the folks
9 all over that area, they're working awfully hard to
10 provide infrastructure.

11 MS. SCHLERF: Mr. Tillman did want to be here
12 with us today, but his father passed away day before
13 yesterday. So he does send his regrets.

14 CHAIRPERSON JONES: All right. Well, if I'm
15 going -- I'm going to let the Chairwoman talk in just one
16 second. I just have a quick question.

17 If I'm going to offer a substitute resolution
18 that says July 1st, 2004, are you guys -- I mean -- or do
19 you want to take time between now and the Board meeting to
20 negotiate a time that makes sense to you?

21 MR. MORGAN: John Morgan again.

22 There's no way we can build the big \$18.5
23 million --

24 CHAIRPERSON JONES: We're not asking you to.

25 MR. MORGAN: But we'll be back --

1 CHAIRPERSON JONES: Right. So --

2 MR. MORGAN: I mean it sounds like that's going
3 to be our best offer.

4 CHAIRPERSON JONES: Well, it's going to be two
5 pieces basically. And so I'm going to make a motion. But
6 I want to know -- you have a right to say, "Don't do it
7 and we'll resubmit something else." I mean --

8 MR. MORGAN: No, we're very comfortable with what
9 we've submitted. So our timeline is what it is. And
10 we'll be happy to come back in two years.

11 CHAIRPERSON JONES: Okay. I just wanted to make
12 sure.

13 Madam Chair.

14 COMMITTEE MEMBER MOULTON-PATTERSON: I was just
15 going to make a motion. But if you'd like to, go ahead.

16 CHAIRMAN JONES: No, no, no. Go ahead.

17 COMMITTEE MEMBER MOULTON-PATTERSON: Okay. Does
18 the Number change? But we're going to change it to July
19 1st, 2004. But the Number stays the same?

20 CHAIRPERSON JONES: Yeah.

21 COMMITTEE MEMBER MOULTON-PATTERSON: Okay. I'd
22 like to move Resolution 2002-397 for a 1066 time extension
23 for the City of South Lake Tahoe, El Dorado County, and
24 also Resolution 2002-398 for an SB 1066 time extension for
25 the unincorporated area of El Dorado County, with the

1 change to July first, 2004.

2 COMMITTEE MEMBER EATON: Second.

3 CHAIRPERSON JONES: We have a motion and a
4 second.

5 Substitute the previous roll?

6 Thank you.

7 Put on it consent?

8 Thank you.

9 Item Z.

10 DEPUTY DIRECTOR SCHIAVO: Okay. Item Z, Number
11 41, is consideration of the application for an SB 1066
12 time extension by the City of Sacramento, Sacramento
13 County.

14 And Kyle Pogue will be making this presentation.

15 MR. POGUE: Kyle Pogue for the last time, Office
16 of Local Assistance.

17 City of Sacramento has requested an extension
18 through December 31st, 2002.

19 The specific reasons the city needs a time
20 extension are as follows:

21 The city needs the additional time to allow for
22 full implementation of the residential curbside and
23 multi-family recycling enhancements. This amount of time
24 will also allow the city to evaluate the effectiveness of
25 these programs.

1 The programs listed in the plan of correction are
2 on page 41-3 of your binder. City anticipates a
3 five-percent increase in its diversion rate.

4 Board staff has determined that the information
5 submitted in the application is adequately documented.

6 Based on this information Board staff is
7 recommending that the Board approve the time extension
8 request for the city.

9 Jon Souza from the City of Sacramento is
10 available to answer any questions that you may have.

11 And that concludes my presentation.

12 CHAIRPERSON JONES: Are there any questions?

13 I do have one if nobody else has one.

14 Is there a representative from the city here?

15 MR. POGUE: Jon Souza.

16 CHAIRPERSON JONES: Jon.

17 I'm worried about the timeframe, that it may not
18 be enough. And I know other members are. I just want to
19 make sure that, unlike the last one, we are aware -- I
20 mean are you comfortable with December of this year?

21 MR. SOUZA: I'd be more comfortable if we were at
22 the 50 percent.

23 I think we are. The reason being is that we
24 finished implementation of the commingled stream program
25 this last December. So that will give us one full

1 calendar year of the data. And we're pretty sure that
2 that's going to double from the types of tonnage that we
3 had with the three-bin system.

4 The same thing with regard to the multiple family
5 recycling ordinance. This year they were put on a final
6 notification that by July of this year they had to have a
7 program that would provide them at least 30-percent
8 diversion -- or 30 percent of what they're current waste
9 removal was.

10 So that gives us a full calendar year that we
11 should have some numbers. And those were the only two
12 programs we were asking about with regard to our
13 extension.

14 COMMITTEE MEMBER EATON: When will those
15 numbers -- when will you have those?

16 MR. SOUZA: At the end of the year.

17 COMMITTEE MEMBER EATON: At the end of the year.

18 So --

19 MR. SOUZA: Well, to be honest with you, we have
20 numbers as we're going along now. But --

21 COMMITTEE MEMBER EATON: And so if it were to be
22 an extension rather than six months, which is what we're
23 doing right now, to a year, that would also give you an
24 additional time to evaluate either plus or minus. And
25 that's all I think Mr. Jones was trying to reach at, is

1 that, you know, because you only get two bites at the
2 apple and quite frankly we have an administrative
3 workload. Where as if you weren't successful, you'd have
4 to come back and you'd probably have to resubmit another
5 application and all that other kind of stuff and take up
6 your staff time and our staff time. Is it better just to
7 have the additional six months? Or whatever you decide.

8 I don't know, Mr. Jones, what were your thinking
9 in terms of --

10 CHAIRPERSON JONES: I just wanted to see if they
11 were comfortable.

12 COMMITTEE MEMBER EATON: Yeah, if they can do it,
13 I'm happy to go. You know, we'll --

14 CHAIRMAN JONES: Yeah. I mean I've got no
15 problem with saying December 31st. And then if they have
16 to reapply, they have to reapply. But I think we need to
17 make the offer.

18 MR. SOUZA: Well, I appreciate that. And I'm
19 sure my bosses at the city would also.

20 I think that what also -- if you're offering
21 that, I think the biggest problem if this extension
22 weren't to be successful is some disposal accounting
23 issues that we need to address also. And by you offering
24 this would also allow us the opportunity to try and
25 discuss those issues with you.

1 COMMITTEE MEMBER EATON: Because you never know,
2 you might get a new stadium. And if you fall short, then
3 you have to get a different corrective action plan for the
4 demolition of the rail yards.

5 MR. SOUZA: Well, that might give us some bigger
6 numbers.

7 COMMITTEE MEMBER EATON: Absolutely.

8 CHAIRPERSON JONES: Do we have this -- I'm
9 assuming we have this flexibility.

10 STAFF COUNSEL BLOCK: You're asking if we have
11 the flexibility to give them more time? Certainly.

12 CHAIRPERSON JONES: I'm saying instead of six
13 months, I may like to see you guys take a year to get
14 those disposal numbers dealt with and other things so that
15 you have a comfort level.

16 MR. SOUZA: I appreciate that.

17 CHAIRPERSON JONES: Will that work for you?

18 MR. SOUZA: That's fine. Yes, sir.

19 CHAIRPERSON JONES: All right. Is that okay with
20 you, Mr. Schiavo?

21 DEPUTY DIRECTOR SCHIAVO: Yes.

22 CHAIRPERSON JONES: Okay. Yeah, you want to do
23 it, Mr. Eaton?

24 COMMITTEE MEMBER EATON: I would move that we
25 adopt Resolution 2002-399 regarding the extension of time

1 by the City of Sacramento, with one change to the
2 resolution and that the extension be until July 1st, 2003.

3 CHAIRPERSON JONES: I'll second it.

4 Substitute the previous roll?

5 So ordered.

6 Put on it consent?

7 So ordered.

8 Thank you.

9 Item AA, 42.

10 DEPUTY DIRECTOR SCHIAVO: Okay. We'll combine 42
11 and 43, and these are consideration of the applications
12 for an SB 1066 time extension by the cities of Foster City
13 and Portola Valley in San Mateo County.

14 And Keir Furey will be making this presentation.

15 MR. FUREY: Good morning, Committee Members.

16 The City of Foster City and the town of Portola
17 valley have submitted time -- submitted requests for a
18 time extension, through December 31, 2003 for Foster City,
19 through December 31, 2002 for Portola Valley.

20 The 2000 diversion rate for Foster City is 43
21 percent, for Portola Valley, 37 percent.

22 The specific reason these cities need a time
23 extension are as follows:

24 Foster City. Some of Foster City's existing
25 programs, primarily commercial and multi-family recycling

1 programs, might not have been fully embraced by those for
2 whom they are targeted. The major component of the city's
3 plan of correction is to strengthen these programs. This
4 will require an intensive outreach campaign, meeting with
5 individual businesses and multi-family complexes which
6 will involve a significant amount of time.

7 In addition, the city is implementing some new
8 programs that feature financial incentives for increased
9 diversion.

10 For the Town of Portola Valley, needs a time
11 extension primarily because their long-term garbage
12 contract made it difficult to implement significant new
13 diversion programs.

14 On July 1, 2002, a new franchise agreement for
15 the collection of waste, recyclables, and compostables
16 began. The new franchise agreement establishes a
17 collection system whereby no waste will be hauled to a
18 landfill without first being processed.

19 Also the town passed a C&D ordinance which
20 requires a deposit at the time the building permit is
21 issued. The deposit is refunded when receipts are
22 submitted showing that at least 60 percent of the waste
23 material generated from the project was diverted.

24 The programs listed in the plan of correction are
25 on page 42-3 and 43-3 of your binder.

1 Foster City anticipates an 18-percent increase in
2 its diversion rate. Portola Valley anticipates a
3 35-percent increase in its diversion rate.

4 Board staff has determined that the information
5 submitted in the applications is adequately documented.

6 Based on this information, Board staff is
7 recommending that the Board approve the time extensions
8 requested for the City of Foster City and the Town of
9 Portola Valley.

10 A representative from Portola Valley is present
11 to answer any questions.

12 This concludes my presentations.

13 Are there any questions for staff?

14 CHAIRPERSON JONES: Thanks, Keir.

15 Mr. Eaton.

16 COMMITTEE MEMBER EATON: I just want to know if
17 staff has seen in six months with an implementation in any
18 other jurisdiction a jump of 13 percent? We've got all
19 kinds of case studies. Have we ever seen a 13-percent
20 jump? And I'm just saying, if you guys want to just say
21 in six months you're going to be back here and you're
22 going to have all your diversion ready, that's one. I
23 just don't think our staff has ever seen that with a new
24 contract. Especially, Mr. Jones, you have experience.
25 How long does it take you to get geared up and working?

1 I'm just trying to say -- I'm not trying to cut you off.
2 I'm trying give you more time based upon what the
3 percentages were.

4 CHAIRPERSON JONES: Yeah. Is the person from
5 Portola Valley here.

6 I thought so.

7 MR. GERTMAN: Yeah, my names is Richard Gertman.
8 I'm with Environmental Planning Consultants, Portola
9 Valley.

10 CHAIRPERSON JONES: Thanks, Mr. Gertman.

11 Are you comfortable with the six months or -- you
12 know, we're talking -- we want people to be successful,
13 obviously.

14 MR. GERTMAN: Right. We would be perfectly happy
15 to extend that to July 1 of 2003.

16 We have started a new franchise agreement. And
17 because it is such major change in the collection system,
18 we're sure that it will accomplish that. But there's
19 certainly no downside to putting it off six months and
20 giving us more data and having a longer period. Because
21 it doesn't actually -- the new program didn't actually
22 physically start until July 1, we have half a year of the
23 old system and half a year of the new system. We're still
24 projecting to make the 50 percent from that, but the
25 extension would be fine. It would certainly clarify.

1 CHAIRPERSON JONES: Okay. Thanks.

2 Staff, I know we're making you crazy up here.

3 But are you -- Foster City looks perfect. Portola Valley
4 we're thinking about changing that to one year to give
5 them time, especially under the situation that they've got
6 a new hauler, I guess, or --

7 MR. GERTMAN: Yes, a new hauler.

8 CHAIRPERSON JONES: Mr. Eaton.

9 COMMITTEE MEMBER EATON: I would move that we
10 adopt Resolution 2002-400 regarding the extension of City
11 of Foster City as is; and that we adopt Resolution
12 2002-401 regarding the extension of time by the Town of
13 Portola Valley in San Mateo County, with a revision that
14 extension be up and to including July 1, 2003.

15 COMMITTEE MEMBER MOULTON-PATTERSON: Second.

16 CHAIRPERSON JONES: Okay. And I have a second.

17 I've got a motion by Mr. Eaton, a second by Linda
18 Moulton-Patterson.

19 Substitute the previous roll?

20 Put it on consent?

21 So ordered.

22 Thank you.

23 CHAIRPERSON JONES: Item 44, AC.

24 DEPUTY DIRECTOR SCHIAVO: Item 44 is
25 consideration of the application for an SB 1066 time

1 extension by the City of Vallejo, Solano County. And
2 Gregory Dick will be making this presentation.

3 MR. DICK: Good morning, Committee Members. Greg
4 Dick, the Office of Local Assistance.

5 The City of Vallejo has requested a time
6 extension through December 31st, 2003.

7 The specific reasons the city needs a time
8 extension are as follows: To conduct business audits and
9 provide additional necessary outreach to the largest
10 commercial generators and the school district on the
11 city's available programs; to expand participation in the
12 commercial and multi-family recycling programs; and to
13 distribute compost bins and renew a contract to conduct
14 composting workshops.

15 The programs listed in the plan of correction are
16 on Page 44-3 of your binder. The city anticipates a
17 13-percent increase in a diversion rate.

18 Board staff has determined that the formation
19 submitted in this application is adequately documented.

20 Based on this information Board staff is
21 recommending that the Board approve the time extension
22 request for this city.

23 A representative of the city is present to answer
24 any questions.

25 This concludes my presentation.

1 CHAIRPERSON JONES: Any questions?

2 COMMITTEE MEMBER MOULTON-PATTERSON: I'll move
3 it.

4 CHAIRPERSON JONES: Okay. Chairwoman
5 Patterson -- Linda Moulton-Patterson.

6 COMMITTEE MEMBER EATON: We're trying to tag team
7 here, Mr. Jones.

8 COMMITTEE MEMBER MOULTON-PATTERSON: I move
9 approval of Resolution 2002-402 for SB 1066 time extension
10 for the City of Vallejo, Solano County.

11 COMMITTEE MEMBER EATON: Second.

12 CHAIRPERSON JONES: I have a motion by Chairwoman
13 Linda Moulton-Patterson and a second by Mr. Eaton.

14 Substitute the previous roll?

15 Put it on consent?

16 Thank you.

17 So ordered.

18 Item 45, AD.

19 DEPUTY DIRECTOR SCHIAVO: Consideration of the
20 application for a SB 1066 time extension by the City of
21 Calimesa, Riverside County.

22 An Melissa Vargas will be making this
23 presentation.

24 MS. VARGAS: Good morning, Committee Members.

25 The city of Calimesa is requesting an extension

1 through December 31st, 2003.

2 The city identified several factors that have
3 contributed to the city not achieving the 50-percent goal
4 and has outlined these areas as part of their program
5 enhancement.

6 The specific reasons the city needs a time
7 extension are as follows:

8 The city experienced a low-participation rate
9 from residents with their curbside recycling program.
10 Currently residents have been limited to an 18-gallon tub
11 for recycling. The city and the waste hauler plan to
12 expand this program to provide a 60-gallon automated
13 commingled recycling container to all residents.

14 The city experienced a low participation rate
15 from businesses. The city in conjunction with the hauler
16 will identify businesses that are not recycling and
17 provide extensive outreach services to these businesses.

18 The city has experienced a number of construction
19 and demolition projects that have impacted their waste
20 stream. Currently the city had no control over where the
21 recycled material is taken.

22 The City will require all contractors or
23 developers to submit recycling plans prior to permit
24 approval as part of a new ordinance that is currently
25 under construction. The programs listed in the plan of

1 correction are on page 45-10 of your binder.

2 The city anticipates a 16-percent increase in its
3 diversion rate.

4 Board staff has determined that the information
5 submitted in the application is adequately documented.
6 Based this information Board staff is recommending the
7 Board approve the time extension request for this city.

8 This concludes my presentation.

9 A representative with the city is available to
10 answer your questions.

11 CHAIRPERSON JONES: Questions?

12 COMMITTEE MEMBER EATON: I just have one
13 question.

14 Since this is in Riverside County is there any
15 plans for them to divert material to the biomass? It's
16 not reflected in the extension.

17 MS. VARGAS: A representative from the city could
18 answer that question.

19 COMMITTEE MEMBER EATON: It won't be dependent
20 upon your extension. I just want to find out if we've got
21 programs in here. And if that's the case, then that
22 should be expanded to the plan, don't you think?

23 MR. KIEPKE: I'm Elroy Kiepke, City of Calimesa
24 Public Works Director.

25 No, none of the programs involve biomass. Our

1 green waste program goes to a composting facility, and
2 that's our plans in the future.

3 COMMITTEE MEMBER EATON: Great. Thank you.

4 CHAIRPERSON JONES: Thanks.

5 COMMITTEE MEMBER MOULTON-PATTERSON: I had one
6 question for him.

7 You have a large golf course there, don't you?

8 MR. KIEPKE: Actually we have two built in the
9 unincorporated county just south of town.

10 COMMITTEE MEMBER MOULTON-PATTERSON: Oh, so
11 they're not in the city?

12 MR. KIEPKE: They're not in the city, no.

13 COMMITTEE MEMBER MOULTON-PATTERSON: That
14 answered my question.

15 I'll go ahead move this then.

16 I move Resolution 2002-403 for 1066 time
17 extension for the city of Calimesa.

18 COMMITTEE MEMBER EATON: Second.

19 CHAIRPERSON JONES: Got a motion and a second.

20 Substitute the previous roll?

21 And put it on consent?

22 So ordered.

23 Item 46, AE.

24 DEPUTY DIRECTOR SCHIAVO: Consideration of the
25 application for an SB 1066 time extension by the City of

1 Oceanside, San Diego County.

2 And Melissa will be making this presentation
3 also.

4 MS. VARGAS: This is my last one for the day.
5 Good morning.

6 The city identified several factors that have
7 contributed to the city not achieving the 50-percent goal
8 and has outlined these areas as part of the program
9 enhancement.

10 The city of Oceanside has requested an extension
11 through July 31st, 2004.

12 The specific reasons the city needs a time
13 extension are as follows: The city experiences a high
14 occupancy rate of their multi-family units during the
15 summer months due to high tourism. The city has been
16 unable to capture this portion of their waste stream due
17 to a lack of code enforcement and education. The city
18 will expand their curbside recycling program specifically
19 targeting multi-family unit complexes by providing
20 additional outreach recycling services and code
21 enforcement.

22 The city has been unable to capture a substantial
23 portion of the commercial accounts due to a lack of code
24 enforcement, recycling programs, incentives, and
25 education. This has resulted in a lack of participation

1 from the business community.

2 The city will require mandatory service for
3 commercial businesses as part of a business license
4 requirement. The city wants to include their schools in
5 recycling programs. The city plans on providing an
6 extensive outreach to provide incentives such as
7 cash-for-cans competitions.

8 The city will expand their seasonal special
9 collection, which will include additional dropoffs at
10 vacation rentals, the beach, harbor, and special events
11 like street fairs.

12 The city will develop a comprehensive permit
13 program for tracking waste and byproducts from city
14 permitted construction sites.

15 The programs listed in the plan of correction are
16 on page 46-12 of your binder.

17 The city anticipates a 4.5-percent increase in
18 its diversion rate.

19 Board staff has determined that the information
20 submitted in the application is adequately documented.

21 Based on this information Board staff is
22 recommending that the Board approve the time extension
23 request for the city.

24 This concludes my presentation.

25 CHAIRPERSON JONES: Thank you.

1 Any questions, members?

2 COMMITTEE MEMBER MOULTON-PATTERSON: Yeah, I'll
3 move resolution 2002-404, time extension 1066 for the City
4 of Oceanside, San Diego County.

5 COMMITTEE MEMBER EATON: Second.

6 CHAIRPERSON JONES: Got a motion and a second.

7 Substitute the previous roll?

8 Put it on consent?

9 So ordered.

10 Item 47, AF.

11 DEPUTY DIRECTOR SCHIAVO: Okay. We'd like to
12 combine 47, 48, 49, and 50. And these are consideration
13 of the application for an SB 1066 time extension by the
14 cities of Avalon, Hawthorne, Maywood, and Sierra Madre,
15 all in Los Angeles County.

16 And Steve Uselton will be making this
17 presentation.

18 MR. USELTON: Good morning, Committee Members.
19 The cities of Avalon, Maywood, and Sierra Madre have
20 requested a time extension through December 2003; the city
21 of Hawthorne through December of 2004.

22 The reasons that these jurisdictions need a time
23 extension are as follows: Avalon will need time to
24 observe and make improvements to a MERF that has been
25 operating in the city beginning earlier this year. That

1 is a full service MERF that will collect materials from
2 both the commercial and residential sectors.

3 Hawthorne will need additional time, as the city
4 council I understand approved at last night's meeting a
5 release of an RFP for residential and commercial disposal
6 and recycling services. Vendors will need to be selected
7 through the process, programs implemented and monitored.

8 Maywood will need time to implement additional
9 efforts to capture more commercial diversion, as described
10 in the plan of correction.

11 And Sierra Madre will need time to observe the
12 impact of residential program improvements that include
13 automated service, a larger recycling bin, and a new green
14 waste collection program. The city also anticipates
15 improvements in the diversion rate related to other new or
16 expanded programs described in the plan of correction.

17 The programs listed in the jurisdictions' plans
18 of correction and their respective anticipated percent
19 increase in diversion rate are provided in the table
20 included in each jurisdiction's respective agenda item.

21 Board staff has determined that the information
22 submitted in all the applications is adequately
23 documented. And based on this information, Board staff is
24 recommending that the Board approve the time extension
25 requests for these jurisdictions and adopt Resolutions

1 2002-405, 406, 407, and 408.

2 Representatives from the jurisdictions are
3 available to answer questions.

4 That concludes my presentation.

5 CHAIRPERSON JONES: Are there any questions?

6 COMMITTEE MEMBER MOULTON-PATTERSON: Okay. I'd
7 like to move approval of Resolution 2002-405 for the City
8 of Avalon, 2002-406 for the City of Hawthorne, 2002-407
9 for the city Of Maywood and, lastly, 2002-408 for the City
10 of Sierra Madre, all Los Angeles County.

11 COMMITTEE MEMBER EATON: Second.

12 CHAIRPERSON JONES: I've got a motion by
13 Chairwoman Linda Moulton-Patterson, a second by Mr. Eaton.

14 Substitute the previous roll?

15 On consent?

16 So ordered.

17 Item number 51, AJ.

18 DEPUTY DIRECTOR SCHIAVO: Okay. This is
19 consideration of request to change the base year to 2000
20 for the previously approved Source Reduction and Recycling
21 Element and consideration of the 1999-2000 biennial review
22 findings for the Source Reduction Recycling Element and
23 Household Hazardous Waste Element for the City of Del Mar,
24 San Diego County.

25 And Zane Paulson will be making this

1 presentation.

2 MR. PAULSON: Good morning, Committee Members.

3 The City of Del Mar submitted a request to change
4 their base year from 1990 to 2000. The city of originally
5 submitted a new base year change request with a diversion
6 rate of 57 percent for 2000.

7 As part of a base-year-study review Board staff
8 conducted a detailed site visit. Board staff proposed
9 changes can be seen in their entirety in Attachment 3.

10 With these changes the city's diversion rate for
11 2000 would be 51 percent and will exceed the 50-percent
12 diversion goal for 2000.

13 The staff also conducted a review of the city's
14 diversion programs. The city has reported that they have
15 successfully implemented source reduction, recycling and
16 public education programs to meet the 50-percent diversion
17 goal.

18 Board staff is recommending Option 2 of the
19 agenda item, which would approve the revised new base year
20 with staff recommendations and accept the 1999-2000
21 biennial review findings.

22 Representatives from the city are present to
23 answer any questions.

24 This concludes my presentation.

25 Thank you.

1 CHAIRPERSON JONES: Thank you, Zane.

2 I just want to make one quick comment.

3 This is a base year where the only real
4 changes -- there were two of them, but one of them was
5 clearly a typo. I mean you can see it in the -- they were
6 at 4311 and it's 431. So that's comforting because we see
7 them that they're not typos. So we appreciate a typo as
8 opposed to creative fiction.

9 Anybody have a -- anybody -- I'll make the
10 motion.

11 I'll move Resolution 2002-409, consideration of
12 request to change the base year to 2000 for the previously
13 approved SRRE Element and consideration of the 2000
14 biennial review findings for the SRRE and HHWE for the
15 City of Del Mar in San Diego County.

16 COMMITTEE MEMBER MOULTON-PATTERSON: Second.

17 COMMITTEE MEMBER EATON: Second.

18 CHAIRPERSON JONES: I've got a motion and two
19 seconds.

20 We will substitute the previous roll?

21 And put it on consent?

22 Done.

23 Item Number 52, AK.

24 DEPUTY DIRECTOR SCHIAVO: This is consideration
25 of request to change the base year to 2000 for the

1 previously approved Source Reduction and Recycling Element
2 and consideration of the 1999-2000 biennial review
3 findings for the Source Reduction and Recycling Element
4 and Household Hazardous Waste Element for the city of El
5 Centro, Imperial county.

6 And Zane will be making this presentation.

7 MR. PAULSON: The City of El Centro originally
8 submitted a new base year change request of the diversion
9 rate of 54 percent.

10 As part of the base-year-study review Board staff
11 conducted a detailed site visit. Board staff recommended
12 changes can be seen in their entirety in Attachment 3.

13 As a result of these differences Board staff
14 recommends a diversion rate of 60 percent for the base
15 year of 2000.

16 Board staff has determined that information is
17 adequately documented.

18 Based on this information Board staff is
19 recommending Option 2 of the agenda item, which would
20 approve the revised new base year with staff
21 recommendations.

22 Board staff is also presenting its biennial
23 review findings for the 1999-2000 biennial review period
24 for the City of El Centro's Source Reduction Recycling
25 Element and Household Hazardous Waste Element, and has

1 found the city is adequately implementing its source
2 reduction, recycling, composting, and public education
3 information programs.

4 Staff recommends approval of the city's new base
5 year and its biennial review.

6 Representatives from the city are present to
7 answer any questions.

8 This concludes my presentation.

9 Thank you.

10 CHAIRPERSON JONES: Okay. This one they put in
11 for 54 and you guys found 60 or numbers close to that?

12 MR. PAULSON: Yes.

13 CHAIRPERSON JONES: That's good. I mean that's
14 the way this system should work.

15 Any questions?

16 COMMITTEE MEMBER MOULTON-PATTERSON: I'll go
17 ahead and move Resolution 2002-410 to change the base year
18 for the City of El Centro, Imperial County.

19 COMMITTEE MEMBER EATON: Second.

20 CHAIRPERSON JONES: We've got a motion by Linda
21 Moulton-Patterson, second by Mr. Eaton.

22 Substitute the previous roll?

23 And put it on consent?

24 Thank you.

25 Item AL, 53.

1 DEPUTY DIRECTOR SCHIAVO: This is consideration
2 of a request to change the base year to 2000 for the
3 previously approved Source Reduction and Recycling Element
4 for the City of Calexico, Imperial County.

5 And Zane will also be making this presentation.

6 MR. PAULSON: The City of Calexico originally
7 submitted a new base year change request with a diversion
8 rate of 59 percent.

9 As part of the base-year-study review Board staff
10 conducted a detailed site visit. Board staff recommended
11 changes can be seen in their entirety in Attachment 3.

12 As a result of these differences Board staff
13 recommended a revised diversion rate of 40 percent for the
14 base year of 2000.

15 Board staff has determined that this information
16 adequately documented.

17 Based on this information Board staff is
18 recommending Option 2 of the agenda item, which would
19 approve the revised the new base year with staff
20 recommendations.

21 Representatives from the city are present to
22 answer any questions.

23 This concludes my presentation.

24 Thank you.

25 COMMITTEE MEMBER EATON: Have they reserved their

1 1066 extension?

2 DEPUTY DIRECTOR SCHIAVO: Yes.

3 COMMITTEE MEMBER EATON: They have. Okay.

4 CHAIRPERSON JONES: The issue of 18,000 tons of
5 inert that wasn't verifiable -- 15,000 was, 18,000
6 wasn't -- is that something that if and when it ever does
7 become, they can talk to you guys about it?

8 MS. MORGAN: Well, I guess it depends on the
9 documentation, because there wasn't any documentation. We
10 don't anticipate --

11 CHAIRPERSON JONES: -- that there will be?

12 MS. MORGAN: -- that there will be.

13 CHAIRPERSON MOULTON-PATTERSON: Okay. That's
14 fair. Just for my own information.

15 Go ahead.

16 COMMITTEE MEMBER EATON: I'll move that we adopt
17 Resolution 2002-411 regarding the change of the base year
18 for the City of Calexico, Imperial County.

19 COMMITTEE MEMBER MOULTON-PATTERSON: Second.

20 CHAIRPERSON JONES: We've got a motion by Mr.
21 Eaton, second by Chair Linda Moulton-Patterson.

22 Substitute the previous roll?

23 And put it on consent?

24 Done.

25 AM, 54.

1 DEPUTY DIRECTOR SCHIAVO: Item Number 54 is
2 consideration of the 1999-2000 biennial review findings
3 for the Source Reduction and Recycling Element and
4 Household hazardous Waste Element for the unincorporated
5 area of Los Angeles County.

6 And Steve Uselton will be making this
7 presentation.

8 MR. USELTON: Good morning, Chairman and
9 Committee Members.

10 Staff has conducted the '99-2000 biennial review
11 of the County of Los Angeles' progress in achieving
12 diversion goals and implementing programs described in
13 their Source Reduction and Recycling Element and Household
14 Hazardous Waste Element. The county's default diversion
15 rate for '99 is 40 percent and for 2000 is 31 percent.

16 In analyzing the decrease in diversion rate
17 between '99 and 2000 staff notes that all landfills within
18 Los Angeles County began conducting daily origin surveys
19 instead of relying on quarterly survey data. Staff
20 believes the accuracy is improved through the daily
21 reporting process.

22 In addition, staff notes that efforts of
23 incorporated communities within Los Angeles County to
24 correct misallocations that were occurring in situations
25 where unincorporated disposal was being allocated to

1 nearby incorporated cities.

2 To determine the level of Source Reduction and
3 Recycling Element and Household Hazardous Waste Element
4 implementation, staff completed the following: We
5 analyzed the historic diversion trend for the county,
6 which began turning upward through 1997 and then declined
7 by 10 percent in the last three years. We reviewed
8 program implementation. We reviewed the commercial and
9 residential diversion studies that were submitted with the
10 county's annual report. We reviewed base year
11 modifications that the county has received by the Board
12 and conducted several program verification site visits.

13 Both the jurisdiction's programs and staff
14 analysis of these programs can be found in detail within
15 the agenda item presented by staff.

16 Staff recognizes several major programs that have
17 been many implemented include backyard composting and
18 mulching, tire recycling and procurement, school site
19 recycling and education programs, and public education
20 media and print programs. These programs were also the
21 recipient of a trash-cutter awards.

22 However, information provided in the county's
23 annual report indicates a need to improve the performance
24 or modify some SRRE-selected programs, including
25 residential curbside recycling; commercial on-site

1 collection; government recycling programs; and concrete,
2 asphalt, and rubble diversion.

3 The county in a narrative report accompanying the
4 annual report concludes the diversion rate reflected
5 through the Board's adjustment rate methodology
6 misrepresents the actual diversion rate within the
7 unincorporated area. The county mentions the disposal
8 reporting system is the main problem in the accuracy of
9 the rate.

10 The county submitted two studies that it believes
11 more accurately reflects the diversion rate for the
12 commercial and residential sectors. But staff and the
13 independent statistician contracted by the Board have
14 concerns with the methodologies used in both studies and
15 do not concur that these studies represent more accurate
16 diversion and disposal information.

17 Board staff on numerous occasions offered
18 assistance to the county to identify and prepare
19 corrections to potential disposal misallocations that
20 affected the county's diversion rate in a format that
21 could be substantiated by the Board.

22 Board staff has worked successfully with other
23 jurisdictions within Los Angeles County to identify
24 misallocated disposal.

25 Staff also notes that most substantiated

1 misallocations have involved county unincorporated
2 disposal being allocated to nearby jurisdictions.

3 Staff has also evaluated two modifications to
4 the county's base year that occurred in 1998 and 2000.
5 These modifications overestimated the amount of inert
6 disposal that may not have been identified in the county's
7 base year. Without the modifications and neutralizing the
8 inert disposal in the reporting year, the county's
9 diversion rate is approximately 11 percent.

10 Board staff based on its preliminary findings
11 during the biennial review has recommended to the county
12 that a time extension be submitted. The county has
13 confirmed its intent not to request a time extension and
14 to be heard before the Board for good faith effort
15 consideration.

16 The county has reserved the right to submit a
17 time extension pending Board results of the biennial
18 review.

19 On July 3rd, 2000, the county sent a letter
20 addressed to the Chair of the Committee asking that the
21 agenda item before the Committee and the Board be pulled.
22 The jurisdiction's request is based on inaccuracies they
23 believe are in the Board's agenda item as prepared by
24 Board staff.

25 In addition, the letter requests the Board direct

1 Board staff to meet with representatives of the county to
2 address these inaccuracies.

3 It should be noted that the Board staff have met
4 with county representatives to discuss staff's concerns
5 regarding the county biennial review.

6 On May 9, 2002, Board staff met with the county
7 to discuss concerns regarding the low diversion rate and
8 the need for a 1066 time extension to address concerns by
9 both parties. At that meeting the county refused to
10 consider that option and abruptly ended the meeting.

11 On June 14th, 2002, staff again attempted to get
12 the county to reconsider its position and noted some of
13 the major programs that were in question. On June 18th,
14 2002, the county responded to staff's letter. The
15 information provided by the county did not fully address
16 the concerns raised by staff, and much of the information
17 provided was a restatement of the county's issue regarding
18 the disposal reporting system accuracy.

19 The county's letter to the Chair of this
20 Committee references Chapter 740 of the State Statute of
21 2000. This Statute is referenced as SB 2202, which amends
22 PRC Section 41825 by requiring the Board to: 1) confer
23 with the jurisdiction regarding conditions related to a
24 proposed order of compliance, with the first meeting
25 occurring not less than 60 days before issuing a notice of

1 intent to issue an order of compliance; and 2) to issue a
2 notice of intent to issue an order of compliance not less
3 than 30 days before the Board holds a hearing to issue a
4 notice of compliance.

5 As I mentioned, on May 9th Board staff did confer
6 with L.A. County staff. Again this was followed up with a
7 letter dated June 14, 2002, consistent with the
8 requirements of SB 2204.

9 Board staff recommends that the Board approve the
10 staff's '99-2000 biennial review findings and allow the
11 county to submit an SB 1066 time extension application
12 within 60 days. If the application is not received within
13 60 days, board staff would prepare a 30-day notice to
14 confer letter, informing the county that the Board would
15 hold a public hearing in order to consider issuance of a
16 compliance order for failure to achieve diversion
17 requirements.

18 Representatives of the county are present to
19 answer questions.

20 And that would conclude my staff presentation.

21 CHAIRPERSON JONES: Thanks, Mr. Uselton.

22 Are there any questions by the members?

23 I have a speaker slip by Mr. Mohajer. So come
24 up, Mr. Mohajer.

25 One of your requests was that this be put into

1 the record. I have no problem with putting it into the
2 record. I don't know if you're going to read it or what
3 you want to do.

4 MR. MOHAJER: Well, I would like to read it
5 first.

6 But good morning, Madam Chair, Mr. Jones, Mr.
7 Eaton.

8 And then I would address some of the comments
9 that Mr. Uselton made.

10 This is the letter dated July 3rd addressed to
11 the Chair of this Committee, and refers to the Item AM as
12 well as the Item 54 on the Board July 23rd-24th agenda.

13 It says: "We have reviewed the staff report of
14 the 1999-2000 biennial review for the unincorporated area
15 of the County of Los Angeles for the above-listed agenda
16 items.

17 "Unfortunately there are a number of inaccuracies
18 in the staff report. These inaccuracies needs to be
19 clarified before action is taken by the Waste Board on its
20 staff recommendations. We'd respectfully request that
21 this item be pulled from the agenda and postponed to the
22 August 20-21, 2002, Waste Board meeting at the Waste
23 Board, and that the Waste Board direct its staff to meet
24 with representatives of the County of Los Angeles to
25 address those inaccuracies. This request is consistent

1 with the provision of Chapter 740 of the State Statute of
2 2000.

3 "We request that this letter and all its
4 enclosure be included in your July 9, 2002, Diversion
5 Planning and Local Assistance Committee meeting when the
6 County's '99-2000 biennial review is considered.

7 "We also request that this item is moved to item
8 54 on July 23rd meeting.

9 "Enclosed is a copy of the letter and attachments
10 that we forwarded on June 18th, 2002, to Mr. Phillip
11 Morealez of your staff responding to deficiencies
12 identified in his June 14th, 2002, letter to this office.
13 In our letter we requested that Waste Board staff bring to
14 our attention any concerns it may have with our programs
15 and allow us an opportunity to discuss them prior to
16 bringing forward the County '99-2000 biennial review for
17 consideration with the Waste Board so that an informal
18 evaluation could be conducted by the staff. This did not
19 occur, and while some elements of our letter were referred
20 to by staff in the report on Item 54, the issues that were
21 raised in our letter were not addressed and instead
22 additional issue were listed.

23 "Thank you for your consideration of this
24 matter."

25 And the letter signed by Mike Mohajer.

1 So having said that, that we still request this
2 item to be pulled, direct the staff to meet with the Los
3 Angeles County. And a few other things that I'd like to
4 respond to what I here today.

5 At the meeting of May 9th that we had with -- at
6 the meeting of May 9th that we had with Mr. Morales, the
7 conclusion was that Mr. Morales is going to provide a list
8 of the programs that they were deficient. He forwarded a
9 letter to us on June 14th, from May 9th to June 14th. We
10 responded to the June 14th on June 18th, which we received
11 it in the mail. And again we asked for -- identify the
12 inaccuracy that then was listed in the May 18 or in June
13 14 letter.

14 And some of the items that were listed in that
15 letter was -- and what mentioned today was really
16 insulting. For example, they have listed that we have
17 failed to implement curbside recycling programs for
18 residences, and that they are implemented only
19 recycling -- curbside recycling program in the garbage
20 disposal districts. That is a total false and that they
21 make such a claim.

22 They either have to substantiate it, and we can
23 go one matter further to go to Court of law and get it
24 resolved.

25 The curbside recycling program in the article

1 they were all implemented by 1995. And this is not a
2 claim. This is a fact. And I think it starts, from there
3 it goes downhill.

4 And the other issues when they make a reference
5 to the disposal reporting system and the reference that I
6 have made to Chapter 740, basically SB 2202, one of the
7 reasons that SB 2202 was enacted was to address the
8 problem with the disposal reporting system. Your Board
9 adopted the SB 2202 report on November 13, I believe,
10 2001. And one of the recommendations was that the
11 enforcement policy, that they make a reference to it as a
12 Case Number 2, to incorporate recommendations that it was
13 in that report. And the enforcement policy has failed to
14 be revised to include those. That's what I was making a
15 reference to the Chapter 740 and SB 2202, not for the
16 notice of the public hearing that Mr. Usselton refers to.

17 So the matter is turning around.

18 And another claim that was made that they have,
19 on many times they have met with us and they ask us how
20 they can help us to disposal reporting system.

21 I would like to know who Mr. Usselton met or Mr.
22 Morales met, which one of my staff. And if that was the
23 case and my staff has referred to confirm with them, then
24 I would know -- well, I'd like to know why I wasn't told
25 about it.

1 So these issues have gone beyond of what I think
2 is a normal due process. And I really -- it upsets me, it
3 really upsets me because we take the matter very
4 seriously. We are spending substantial amount of times
5 and efforts to comply with the law. And I just take
6 exception as to being accused of not doing what is right.
7 Or we're being offered to help with us, that we refused.
8 And indicating that May 9th they met with us and we
9 refused. It's just improper and I don't think that sort
10 of comments has room at this Board or at any professional
11 organization.

12 But having said that, I really don't have
13 anything else to say. It is your direction whether you
14 want to hold the -- direct the staff or move forward to
15 the July meeting.

16 Thank you very much.

17 CHAIRPERSON JONES: I just have a couple comments
18 before you sit down, Mr. Mohajer.

19 You know, this item -- our staff asked If you
20 want to do an SB 1066 and you said no. So what you're
21 asking for is us to make a ruling on good faith effort.

22 MR. MOHAJER: Excuse me.

23 CHAIRPERSON JONES: And -- okay, go ahead.

24 MR. MOHAJER: We have asked -- it is in writing,
25 it is in writing that we have said we need to have the

1 response to the inaccuracies that you have identified in
2 your staff report the things that are wrong with our plan.
3 And once those issues get resolved, we will make a
4 decision as to whether we're going to be asking for SB
5 1066 extension. We have not said we will not. It is in
6 writing. If you would look at my July -- my June
7 18 letter, it is very specific, it is in writing, and it's
8 on behalf of the County of Los Angeles.

9 I rest my case.

10 CHAIRPERSON JONES: No, I read it, I read it.

11 But I think that the discussions about the
12 disposal reporting system have been -- I mean we've
13 addressed that and your issues probably 20 times from this
14 dais. I mean L.A. County, which participates with the
15 L.A. San District, has control over the gate. L.A. County
16 franchise haulers or permit haulers get their permits from
17 you. How that can't be determined as a requirement when
18 they go into an L.A. County San District landfill, why
19 that becomes the Board's fault, has always amazed me.
20 I've never understood the logic.

21 But, Mr. Mohajer, I will -- I know the Chair's
22 got to leave here in about three minutes.

23 MR. MOHAJER: But I'd like to make one response.

24 I have a document over here that the Waste Board
25 staff went and did an inspection of Bradley West Landfill.

1 This is the letter that they send a copy to me. They were
2 observing during the week that the -- September 8 through
3 September 14 that they were doing monitoring. And the
4 hauler goes over there without -- their landfill operator
5 failed to even ask what the origin of waste was. And the
6 response was belongs to the unincorporated area.
7 Automatically the Waste Management indicated that.

8 And since then I have been after the Waste
9 Management through the office of Mr. Uselton and over
10 here. What control, Mr. Jones, you tell me I have over
11 Bradley West Landfill.

12 CHAIRPERSON JONES: I don't know, Mr. Mohajer.
13 You seem to exert quite a bit of authority over every
14 landfill in L.A. County. And I would imagine that it's
15 possible to --

16 MR. MOHAJER: Yes, I do from a standpoint that we
17 have asked them to do a daily monitoring. But there are
18 many -- I can forward a letter that I sent to the Waste
19 Board not too long ago, a few weeks ago matter of fact
20 with the Waste Management. So far nothing. So it is not
21 correct that -- plus also the sanitation district is not
22 part of the county government. I keep repeating that.

23 CHAIRPERSON JONES: That's not what I said.

24 MR. MOHAJER: And as far a disposal reporting
25 system is concerned, what the issue that we raised before

1 this Board on June 7th of 1999 still stands.

2 CHAIRPERSON JONES: I think we probably ought to
3 take a second and decide if we're going to hear -- take a
4 vote on this item right now and then bring it to the full
5 board.

6 But your reasons for asking it to be pulled are
7 that you want to have more meetings with our staff?

8 MR. MOHAJER: That you would direct your staff to
9 meet with us to --

10 CHAIRPERSON JONES: Mike, we don't have to direct
11 our staff to meet with you. They meet with you all the
12 time. I mean that's not like -- I mean that almost sends
13 an inference that our people aren't meeting with you.

14 MR. MOHAJER: That has not been the case. They
15 have been attending the task force meeting, not meeting
16 with us.

17 CHAIRPERSON JONES: How do you folks want to deal
18 with this?

19 COMMITTEE MEMBER EATON: Well, Mr. Jones, let me
20 just go over a couple of things, because I think
21 there's -- I want to make some points on it.

22 My understanding is what's left is that -- if I
23 could ask -- and I'm not putting you off, Mr. Mohajer, but
24 I want to give you your due.

25 That we have a consideration of the study of the

1 minority communities and the waste stream report. Mr.
2 Medina, who had really been the chief architect of that is
3 unable to be here today. So if we could just continue
4 that to either the next Committee meeting and/or, you
5 know, full Board meeting, whatever, you know, the wishes,
6 I think that would be good.

7 CHAIRPERSON JONES: You want to do the Board?

8 COMMITTEE MEMBER MOULTON-PATTERSON: Yeah.

9 COMMITTEE MEMBER EATON: And then the other one
10 is the conformance findings, which would be the next one,
11 if the Chair -- we'd just open it up, and she could
12 either -- if there's no real problem. And then we can go
13 back to Mr. Mohajer, because I there is a couple things we
14 can do that relates to that. But she does have a meeting
15 that she can't be late to.

16 CHAIRPERSON JONES: Understood.

17 Okay. Let's do this real quick. In talking with
18 the Chairwoman, she said let's bring those reports back to
19 the Committee, not the Board meeting.

20 Can you bring them back to the next Committee
21 meeting.

22 DEPUTY DIRECTOR SCHIAVO: Yes. We were planning
23 on doing -- it actually was supposed to be a presentation
24 of the minority communities for the -- the presentation
25 was to be at the full Board meeting. This is just an

1 update for you guys.

2 CHAIRPERSON JONES: Okay. That's fine.

3 All right. So we're looking at Item 56.

4 Item 56, Mr. Schiavo.

5 Mr. Mohajer, we're going to get back to this item
6 in just a second, because the Chair's getting ready to
7 leave. So just hang on for a second.

8 Okay. Quickly, Mr. Schiavo.

9 DEPUTY DIRECTOR SCHIAVO: Okay. Item 56 is
10 consideration of inappropriate method for making
11 conformance findings for permits that include multiple
12 solid waste facilities as they relate to Countywide Siting
13 Elements and Nondisposal Facility Elements.

14 And Cathryn Cardoza will make this presentation.

15 MS. CARDOZA: Good afternoon, Committee Members.

16 Item AO -- or let's see. Actually this item is a
17 variation of the conformance finding issue that was
18 decided at the Board's September 2000 meeting.

19 The decision at that meeting was that the Board
20 would make a plain English reading of Public Resources
21 Code Section 50,001 when making a conformance finding for
22 a new or revised solid waste facility permit. This means
23 that only a landfill's location needs to be identified
24 in a county's countywide siting element, or CSE, for a
25 solid waste permit for that facility to be in conformance

1 with a CSE.

2 Similarly, a nondisposal facility only needs to
3 be identified in the host jurisdiction's Nondisposal
4 Facility Element, or NDFE, for a new or revised permit for
5 that facility to be found in conformance with the
6 jurisdiction's NDFE.

7 Since September of 2000 the question has been
8 raised as to whether a permit for a nondisposal facility
9 that is included in a landfill permit but is not
10 identified in either the host jurisdictions's NDFE or the
11 county's siting -- CSE was in conformance. If it's not,
12 the host jurisdiction would be required to amend its NDFE
13 to include the nondisposal facility before the permit for
14 that facility coming forward for Board consideration could
15 be found to be in conformance; or should staff find it to
16 be in conformance as long as the landfill's location is
17 identified in the siting element.

18 Since the Board's September 2000 decision host
19 jurisdictions have typically amended their NDFE's prior to
20 the corresponding permit consideration, but not always
21 without question. Staff is, therefore, asking for Board
22 clarification on the correct method for making a
23 conformance finding in such a situation.

24 Staff's recommendation is that the Board find
25 that the plain English reading should also apply to

1 nondisposal facilities that are included in the landfill
2 permit, for the following reasons:

3 1) Overwhelming stakeholder input in 1999 that
4 location identification of a disposal or identification of
5 a nondisposal solid waste facility in the applicable
6 planning document should be sufficient for conformance
7 findings;

8 2) Consistency with the majority of previous
9 permit revisions regarding nondisposal facilities sited at
10 landfills and the corresponding number of amended NDFE's;
11 and

12 3) The relatively few jurisdictions that could
13 immediately be impacted by this recommendation, as only
14 two landfills currently include a nondisposal facility in
15 the landfill permit, but the host jurisdiction has not
16 identified that facility in its NDFE or Siting Element.

17 That concludes my presentation.

18 Are there any questions?

19 CHAIRPERSON JONES: No. The Chair's got to leave
20 pretty quick.

21 This is exactly like what we were doing. This is
22 location, identify an applicable thing.

23 If there's no questions, I'll move adoption of
24 Resolution 2002-413.

25 COMMITTEE MEMBER MOULTON-PATTERSON: Second.

1 CHAIRPERSON JONES: Got a motion and a second.
2 Substitute the previous roll?
3 On consent?
4 So ordered.

5 COMMITTEE MEMBER MOULTON-PATTERSON: Before I
6 leave I just want to say that I certainly hope that the
7 County of Los Angeles and our staff can work together. I
8 know there must be something -- miscommunication here.
9 And, you know, I hope it can be worked out.

10 Excuse me.

11 Sorry, Mr. Jones.

12 CHAIRPERSON JONES: No problem.
13 All right. Let's go back to item 54 for this
14 discussion.

15 COMMITTEE MEMBER EATON: Now, are all the homes
16 in L.A. County that you represent, Mr. Mohajer, serviced
17 by curbside?

18 MR. MOHAJER: Most of them are and some of them
19 are being -- goes to a MERF directly. Those that go to a
20 MERF directly --

21 COMMITTEE MEMBER EATON: I'm just trying to
22 figure out, because you said the staff had inaccuracies.
23 But if there aren't and -- so is it an accurate statement
24 that only 117,000?

25 MR. MOHAJER: That is inaccurate because that is

1 only for the garbage --

2 COMMITTEE MEMBER EATON: But that was in your
3 report though, right?

4 MR. MOHAJER: Pardon?

5 COMMITTEE MEMBER EATON: That was in your report.

6 MR. MOHAJER: That was in my --

7 COMMITTEE MEMBER EATON: We didn't generate that
8 report. You generated that -- I'm just trying to figure
9 out where -- who -- you know, what's inaccurate, because
10 that's some of the inaccuracies.

11 But are you saying that your annual report is not
12 accurate?

13 MR. MOHAJER: The annual report it was in
14 reference to the green waste, not to the curbside
15 recycling. The curbside recycling, everything was
16 implemented by 1995. Since then some of them go to the
17 MRF's. For those that go through the MERF, they go
18 through extensive program to be approved a hauler by
19 hauler basis. And so you either have a curbside or you
20 have MERF, one of the two.

21 CHAIRPERSON JONES: The way the --

22 COMMITTEE MEMBER EATON: But your letter of June
23 18th, 2002, said that all residence within the
24 unincorporated area had both green waste and recycling; is
25 that correct?

1 MR. MOHAJER: That is correct.

2 CHAIRPERSON JONES: I'm wondering a couple
3 things, Mr. Mohajer. You've said that our staff needs to
4 identify for you or tell you everything that they feel
5 that they have an issue with.

6 MR. MOHAJER: That's correct.

7 CHAIRPERSON JONES: Explain to me what you really
8 want here, because I'm trying to figure out -- you've
9 submitted a -- or the biennial report shows that you're at
10 31 percent. And with the evaluation that our staff did in
11 looking at programs to see if that was indicative of that
12 support, they concluded that it wasn't.

13 You're asking them to go to -- what level of
14 burden are you asking them to go through to be able to
15 propose to us that the 31 percent and the programs that
16 they've witnessed they've seen and they've been working
17 with -- and you can't tell me that Mr. Usselton doesn't
18 work awfully hard in that area. I mean I sure haven't
19 heard from any other jurisdiction in southern California
20 that he's ignored them, nor have I have ever heard it from
21 you.

22 MR. MOHAJER: No. That is correct. And that's
23 why I said it was a surprise even to myself. But when I
24 read the report, when the hammer drops over here and says
25 that we haven't implemented the curbside recycling for all

1 residences, I still -- I'm standing before my own Board of
2 Supervisors, and this is the program that we have
3 implemented.

4 CHAIRPERSON JONES: Understood.

5 MR. MOHAJER: And that those inaccuracies has to
6 be corrected, that ultimately when I go ask my Board of
7 what they're decision is going to be, is going to be an
8 accurate and educated decision is made. And that is why
9 the request is that this matter to be delayed to next
10 month, the staff gets with us to identify and correct
11 these inaccuracies, and then at that time we'll make a
12 decision as to whether we going to be asking for 1066 or
13 not. And this is exactly what I had put down in that
14 letter. And that's where we stand.

15 CHAIRPERSON JONES: Okay. Now, is everybody
16 that's got a permit or a franchise in a residential area
17 responsible -- are the conditions the same for every one
18 of these haulers, that they provide -- tell me how
19 curbside gets implemented in L.A. County.

20 MR. MOHAJER: The curbside gets implemented at --
21 every hauler that is permitted to operate in the County of
22 Los Angeles must provide curbside recycling in
23 unincorporated area, must provide curbside recycling
24 program to the single family home and duplexes.

25 For multi-residential they must provide a program

1 if the building manager asks for it.

2 CHAIRPERSON JONES: Let me ask you a question.

3 If I'm a hauler and I have every fifth house in
4 some area, does the fact that I offer curbside to those
5 people satisfy your requirement, or do I need to put a bin
6 and an educational piece on the door of every home that I
7 service?

8 MR. MOHAJER: You have to provide the bin. You
9 must --

10 CHAIRPERSON JONES: At their request or I just
11 leave it.

12 MR. MOHAJER: No, you have to. You have to
13 provide, not at their request. For multi-residential, if
14 the property manager asks, yes. For single and duplexes
15 you must provide the bin.

16 CHAIRPERSON JONES: Okay. Two bins --

17 MR. MOHAJER: And you must provide both for
18 recycling and green waste.

19 CHAIRPERSON JONES: Okay. So that I have to
20 provide two bins. So when somebody signs up for service
21 with me, I'm automatically either going to put out three
22 bins, one for refuse, one for green waste, and one for
23 other recyclables?

24 MR. MOHAJER: Correct.

25 CHAIRPERSON JONES: And who's going to do the

1 educational program to make sure that those residents
2 participate?

3 MR. MOHAJER: We do that program.

4 CHAIRPERSON JONES: Okay.

5 MR. MOHAJER: And we have been doing it since
6 1995.

7 CHAIRPERSON JONES: All right. If I've got a
8 dirty MERF and I don't -- do I have an opportunity then
9 just to collect one bin, one trash commingled bin with
10 recyclables -- both green waste and fiber and bottles and
11 cans along with the trash and run that through a materials
12 recovery facility and recover what I can?

13 MR. MOHAJER: That is correct. And if you look
14 at my June 18 letter, I have put a sample that, for
15 example, you have --

16 CHAIRPERSON JONES: -- with athens.

17 MR. MOHAJER: -- athens, right.

18 All right. So --

19 MR. MOHAJER: So it's on a case-by-case basis for
20 each hauler. And they have to submit to report to us to
21 verify, so we can verify everything.

22 CHAIRPERSON JONES: All right. Now, on another
23 item.

24 Through the L.A. fix we assessed over 300,000
25 tons of dirt and rock that was supposed to be going to

1 Peck Road or these other facilities.

2 MR. MOHAJER: That is incorrect.

3 CHAIRPERSON JONES: We didn't give you 300,000
4 tons? I voted on it twice.

5 MR. MOHAJER: No, you said rock. That is not
6 correct.

7 CHAIRPERSON JONES: What are you talking about?
8 What word -- say the word again. What's not correct?

9 MR. MOHAJER: You said that you giving us 350,000
10 ton for rock, and I said that is incorrect.

11 CHAIRPERSON JONES: The inerts.

12 MR. MOHAJER: Oh, inert.

13 That is incorrect.

14 CHAIRPERSON JONES: What is then, Mike?

15 MR. MOHAJER: Solid waste.

16 CHAIRPERSON JONES: Solid Waste?

17 MR. MOHAJER: That is correct.

18 CHAIRPERSON JONES: The L.A. fix was the three
19 facilities -- the 3 facilities, Peck Road, Calmat, and
20 whatever the other one --

21 MR. MOHAJER: Mr. Jones, I'll be more than happy
22 to sit down with you for whole day, pull out all those
23 records and substantiate what I'm saying.

24 CHAIRPERSON JONES: Mr. Mohajer, I sat on this
25 Board and approved that. And it was based on Mr. Jack

1 Michael's work saying that we hadn't counted those three
2 facilities and that's why we had to do it. Mr. Eaton and
3 I, I remember, had to really struggle with --

4 MR. MOHAJER: That is not correct. And I could
5 ask Mr. Schiavo right now. That is not correct. The
6 disposal tonnage for the L.A. County for 1990 based on the
7 fee that I collect was 15.9 million tons. And the
8 disposal tonnages that was shown on the 89 jurisdiction
9 SRRE came out to be ten point some odd million tons. And
10 we went through some of those deficiencies with Mr.
11 Schiavo and his staff and came up with the numbers that at
12 this day I agreed with. And some of those numbers were
13 inert waste. But most of it were noninert waste. For
14 example, we picked up a surf project and commerce. Mr.
15 Jones --

16 CHAIRPERSON JONES: Keep talking.

17 MR. MOHAJER: Mr. Jones, as I already offered, I
18 can substantiate that with you too.

19 CHAIRPERSON JONES: Mr. Mohajer, we've been
20 dealing with this since 1997. I've sat in these rooms.
21 I've had people testify from L.A. County that it was
22 specifically the differences.

23 MR. MOHAJER: Mr. Jones, I have been dealing with
24 this also. Even though you refer to Mr. Michael, I've
25 been dealing with this stuff also since 1982.

1 CHAIRPERSON JONES: But it was Mr. Michael that
2 brought that issue in front of this Board. It was Mr.
3 Michael that offered the testimony and it was Mr. Michael
4 that identified the facilities, as I remember.

5 MR. MOHAJER: Well, I'll take exception to that
6 too.

7 CHAIRPERSON JONES: Okay.

8 COMMITTEE MEMBER EATON: Let me just ask a
9 question, because -- are you disagreeing that the number
10 for the diversion rate is 31 percent?

11 MR. MOHAJER: Using the disposal reporting
12 system, that we say is inaccurate.

13 COMMITTEE MEMBER EATON: Well, two issues, two
14 issues, two separate issues.

15 Under what system we currently have --

16 MR. MOHAJER: Under the system that you use a
17 disposal reporting system, Mr. Eaton, we have brought that
18 issue before you and -- no, listen to me, Mr. Eaton,
19 just -- no, no --

20 COMMITTEE MEMBER EATON: I want you to answer my
21 question.

22 MR. MOHAJER: But I want you to ask the correct
23 question. The SB 2202 very specifically the report that
24 your Board adopted in November of 2001 identified that
25 there are discrepancy in the disposal reporting system and

1 that needs to be addressed. You tell me, have this Board
2 addressed that issue and deficiencies?

3 COMMITTEE MEMBER EATON: Well, Mr. Mohajer, I all
4 know what happened with 2202. And I know you've been
5 able --

6 MR. MOHAJER: So do I. -- to be very successful
7 to make it bigger than it really is. Because if you've
8 talked to the individuals who are involved in it, they
9 will tell you.

10 What we're looking here for is, while that was
11 post 2000 -- was it not? What we're dealing with here is
12 1999 and 2000. What takes place as a result of 2002 can
13 be reflected in the future; is that correct?

14 MR. MOHAJER: No, because you have --

15 COMMITTEE MEMBER EATON: Why not?

16 MR. MOHAJER: Mr. Eaton --

17 COMMITTEE MEMBER EATON: I'm just trying to help
18 you here. But you seem to just -- you know, this is the
19 same argument that you brought up with the ADC and
20 everything, the DRS. It's like the same guy.

21 All I'm trying the say: Is this number correct?
22 Because I have to make a decision, yes or no. Then you
23 will have your say as to whether or not the system is
24 inaccurate and have your opportunity to prove that it is.

25 MR. MOHAJER: The system is --

1 COMMITTEE MEMBER EATON: But the record is -- is
2 this correct?

3 MR. MOHAJER: Mr. Jones, we have bringing that
4 issue before this Board since 1999. And when my disposal
5 tonnages goes up in one year from 1999 to the year 2000 by
6 250,000 tons -- by 250,000 tons, that is inaccurate.

7 CHAIRPERSON JONES: How much of the 250,000 tons
8 came out of Peck Road, came out of Calmat, and came out --

9 MR. MOHAJER: None, none, nothing --

10 CHAIRPERSON JONES: So you had zero tonnage for
11 those facilities, yet we gave you 300,000 tons at your
12 base year?

13 MR. MOHAJER: No, no, I had -- no, these 250,000
14 tons was from other landfills. None of that 250,000 tons
15 that I mentioned is related to inert waste landfills.

16 CHAIRPERSON JONES: How much of that 250,000 tons
17 is -- I mean there's no way of knowing what the generation
18 of that 250,000 tons is, right?

19 MR. MOHAJER: I rest my case.

20 CHAIRPERSON JONES: Well, that's not your case,
21 because every jurisdiction in the State of California has
22 got to deal with the same issues. There are jurisdictions
23 in southern California, cities that are in L.A. County,
24 whose diversion numbers change based on the exact same
25 issues. That's why I had suggested a long time ago you

1 guys ought to do a regional agency, and then just all do
2 kumbiya and get along and say the whole region's going to
3 hit 50 percent. But, you know --

4 MR. MOHAJER: Mr. Jones, it's easy for you to sit
5 there and mention that, but there --

6 CHAIRPERSON JONES: You guys --

7 MR. MOHAJER: You know the politics and so do I.
8 And that's beside the point.

9 CHAIRPERSON JONES: Understood. But the
10 arguments are exactly the same arguments. Remember, every
11 time you get an advantage when somebody decides that they
12 picked it up in the county and says it in fact went to the
13 City of Lakewood or something like that, that advantage
14 goes back and forth.

15 Would you agree with that, that the misreporting
16 -- misreporting is not all against you?

17 MR. MOHAJER: There is a significant difference,
18 Mr. Jones. There's a significant difference.

19 CHAIRPERSON JONES: They have a smaller waste
20 stream.

21 MR. MOHAJER: No, because the cities --
22 the cities work on a franchise system with the exception
23 of a few. L.A. County is an hope market.

24 CHAIRPERSON JONES: And?

25 MR. MOHAJER: And we have over 360 and they are

1 down to about 120 and pretty soon with more consolidation
2 of industry we're going to be down to a few. We do not
3 have any franchise system at all.

4 CHAIRPERSON JONES: No, but you got a permit
5 system, Mr. Mohajer, right?

6 MR. MOHAJER: So does everybody else, with a
7 permit system.

8 CHAIRPERSON JONES: All right. I mean most
9 permits that I've gotten have had conditions on them.

10 Anyway, I think what I'm --

11 MR. MOHAJER: And a permit system, Mr. Jones --

12 CHAIRPERSON JONES: We -- Mr. Mohajer, we want
13 to -- you know, it's not like -- we need -- I'm ready to
14 accept a motion here on this issue. And part of this is
15 going to facilitate, you know, how we work together and
16 how we get stuff done, because clearly there's a lot of
17 work that's got to be done to make sure that everybody in
18 the State of California meets the mandates of AB 939.

19 MR. MOHAJER: Mr. Jones, you don't have to tell
20 me. I said we are committed. And that's one of the
21 exceptions that I'm taking that I'm coming over here that
22 they think that we have tried to ignore the law.

23 CHAIRPERSON JONES: We didn't say that.

24 MR. MOHAJER: Well, but the intention comes down
25 to it, and I take exception to that.

1 CHAIRPERSON JONES: Never said that and I don't
2 think our staff ever said that. Because you participate
3 too much for us to ever think that you would ignore the
4 law. In fact we appreciate a lot of your efforts. We
5 appreciate all your efforts.

6 Anyway --

7 MR. MOHAJER: I appreciate what you said.

8 CHAIRPERSON JONES: Thank you.

9 Mr. Eaton.

10 COMMITTEE MEMBER EATON: I think to bring this to
11 a head at the point where we are, I'd move that we adopt
12 Resolution 2002-412.

13 CHAIRPERSON JONES: I'll second the motion.

14 And call the roll.

15 SECRETARY BAKULICH: Eaton?

16 COMMITTEE MEMBER EATON: Aye.

17 SECRETARY BAKULICH: Jones?

18 CHAIRPERSON JONES: Aye.

19 This only means, just so you know -- this is a
20 four-person committee. There's only two of us here. This
21 is going to go to the full board in July. And it will be
22 a full blown agenda item. But we are going to, you know,
23 let the Board members know that we've voted 2-0 to adopt
24 the resolution.

25 MR. MOHAJER: Thanks.

1 CHAIRPERSON JONES: Thank you.

2 All right. What have we got left, Mr. Schiavo?

3 DEPUTY DIRECTOR SCHIAVO: We have Item 55, which
4 is the discussion and request for direction on the
5 Board-approved SB 2202 work plan recommendation on
6 jurisdiction diversion rate accuracy indicators.

7 And Tim Hall will be making this presentation.

8 CHAIRPERSON JONES: Can I ask just one question?

9 DEPUTY DIRECTOR SCHIAVO: Sure.

10 CHAIRPERSON JONES: Is this intended just for the
11 Committee, or is this going to go to the -- what were your
12 intentions here?

13 DEPUTY DIRECTOR SCHIAVO: I think it would be
14 appropriate for both, to the full Board. So if you want
15 to hear it at the full board, we can just do that.

16 CHAIRPERSON JONES: Yeah, if your intention is to
17 hear it at both -- Okay. Hold on. We have a speaker on
18 the item, so -- Go ahead. Mr. Mohajer wants to speak on
19 this item. I don't think it's fair that we not hear it
20 introduced quickly. And then you will do a full
21 presentation at the Board meeting.

22 MR. HALL: So do you want a quick presentation?

23 CHAIRPERSON JONES: I want a good, concise, tell
24 me what we got to know. Let's go.

25 (Thereupon an overhead presentation was

1 presented as follows.)

2 MR. HALL: Good morning, Board Members. Tim Hall
3 from the Waste Analysis Branch.

4 This item is a discussion and request for
5 direction on the Board-approved SB 2202 work plan
6 recommendation on jurisdiction diversion rate accuracy
7 indicators.

8 --o0o--

9 MR. HALL: This slide summarizes the extensive
10 Board and public review of the diversion rate measurement
11 system and the diversion rate accuracy indicators.

12 At the May 2002 Committee meeting you directed us
13 to send indicators out for a 30-day review and comment
14 period. This is an update.

15 --o0o--

16 MR. HALL: Indicators is separated into five
17 categories: Rural status, jurisdiction size, base year
18 age, adjustment method factors, and disposal reporting
19 system data.

20 --o0o--

21 MR. HALL: This is an example of one of the
22 charts that's in the tool, showing the disposal
23 distribution for the State. The black diamond indicates
24 where the selected jurisdiction is in that distribution.

25 Graphs like this are included in the tool for

1 each indicator.

2 --o0o--

3 MR. HALL: Staff received 13 written comments and
4 three phone comments from jurisdictions and consultants
5 during the 30 day review period. The next few slides
6 summarize those comments. I'll just read through them
7 real quick.

8 Clarify graphs and explanations. Use most recent
9 data and include data sources. Change a formula to
10 correct a math error. Add graphs showing trends over time
11 for some of the indicators.

12 --o0o--

13 MR. HALL: Explain the adjustment method and
14 negative diversion rates. Clarify how the Board will use
15 indicators, suggestions for improving DRS accuracy.

16 --o0o--

17 MR. HALL: We also received comments to include
18 other indicators such as the ones once listed here,
19 including one comment requesting that we list all of the
20 indicators listed in the 2202 report. We also did receive
21 one comment asking us not to add additional -- add any
22 more indicators.

23 --o0o--

24 MR. HALL: Based on the public responses we've
25 already made changes to indicators. We've clarified and

1 enhanced the graphs and explanations. We use the most
2 recent data and include data sources. And we've corrected
3 math errors in the formulas.

4 --o0o--

5 MR. HALL: Also based on the public comments
6 we're proposing these changes at a future date: We want
7 to display trends in disposal and adjustment factors,
8 include the range of calculate diversion rates, and
9 include a table with all the indicators listed in the 2202
10 report.

11 This table would allow jurisdictions to
12 substantiate the other indicators as having an impact on
13 diversion rate accuracy.

14 --o0o--

15 MR. HALL: Also, some responses that don't
16 require or that we're not recommending changes to the tool
17 include that the Board will evaluate jurisdiction
18 compliance case by case, like they already do; DRS
19 regulations will address accuracy issues; Board staff will
20 continue to research other indicators; and jurisdictions
21 are still encouraged to submit additional information
22 related to accuracy.

23 --o0o--

24 MR. HALL: Key issues. This is just a summary of
25 the key issues section of THE agenda item. I want to

1 stress again that indicators are not conclusive. Okay,
2 you can't draw a conclusion based on indicators. You need
3 to balance it with the program information and other
4 information submitted by jurisdictions.

5 I also wanted to mention that we met with the
6 L.A. County staff last week and agreed to include all the
7 other indicators listed in the 2202 report as a
8 supplemental table that's filled out by the jurisdictions.

9 --o0o--

10 MR. HALL: So options for the Board are to direct
11 staff to implement indicators beginning with the next full
12 biennial review cycle; modify indicators and return for
13 further discussion and direction; or modify indicators as
14 directed; then implement indicators.

15 --o0o--

16 MR. HALL: Staff recommends Option 1, to
17 implement indicators beginning with the next full biennial
18 review cycle.

19 I'd be happy to answer any questions you have.

20 CHAIRPERSON JONES: 2202 is an ongoing process,
21 right?

22 MR. HALL: Yes.

23 CHAIRPERSON JONES: I mean you're going to --
24 we're going to try this, we're going to notify people that
25 these are going to be the indicators; and if they work or

1 don't work, that'll be reevaluated and you'll make
2 adjustments as you go along?

3 MR. HALL: Yes. We're still -- we're looking at
4 other indicators, you know, whether or not they should be
5 included.

6 CHAIRPERSON JONES: Okay. Mr. Eaton, any
7 questions?

8 I have one speaker.

9 Mr. Mohajer.

10 We're going to hear this at the Board meeting
11 too. But I wanted to make sure that we heard enough it
12 today so that you could comment. I'm just letting you
13 know we're hearing it at both.

14 MR. MOHAJER: Mr. Jones, for the record, my name
15 is Mike Mohajer, Los Angeles County. And I want to thank
16 Pat Schiavo and his staff and Lorraine that met with our
17 staff last Wednesday. We submitted some comments before
18 the deadline. And based on the meeting that we have,
19 there are going to be some changes made on the indicator
20 that's provided in the staff report for today. And we'd
21 like to see those changes before consideration by the
22 Board. And so based on that, we're asking that this
23 matter also be delayed and postponed to the August meeting
24 so we could see the revised indicator based on our
25 discussion with the Waste Board staff.

1 And also as a part of the revision too, we would
2 like to see a procedure or justification or explanation as
3 to how this indicators are going to be used by the Office
4 of Local Assistance because of what we were told last
5 Wednesday that that decision is going to be made by the
6 OAL, and we haven't got that direction yet.

7 CHAIRPERSON JONES: The question for staff: The
8 changes that they're talking about, are these agreed upon
9 changes based on these comments or --

10 MR. HALL: We agreed to several of the changes
11 that they proposed, including listing all of the
12 indicators from the 2202 report as sort of a supplementary
13 table where the jurisdiction could go -- for instance,
14 visitor influx, seasonal population -- so that those
15 indicators are listed in the tool and jurisdictions are
16 allowed to go in and substantiate those, you know --

17 CHAIRPERSON JONES: All right.

18 MR. HALL: -- document, you know, how the
19 seasonal population may impact their diversion rate
20 accuracy.

21 CHAIRPERSON JONES: Gotcha.

22 Are you going to have time between now and the
23 Board meeting to get some of those ideas down on paper so
24 that the Board members would have them?

25 MR. HALL: Yeah, we can do that. These are just

1 indicators that were listed in the 2202 report.

2 CHAIRPERSON JONES: Right. I guess what I'm
3 trying to figure out -- I'm glad that L.A. County and
4 their comments and the work group's comments are going to
5 be incorporated by the staff. I'm trying to figure out if
6 we need to postpone this for a month; or if you can give
7 us enough information that in fact these things have been
8 incorporated, which would relieve the stakeholders to know
9 that those agreed-upon things were going to be included.
10 Then there wouldn't be a need to delay.

11 Does that make --

12 COMMITTEE MEMBER EATON: I think what it is is if
13 the proponents of the change -- requested change is to be
14 made and we've accepted some of the changes, there should
15 be a comment said accepted and those that did not accept.
16 And that you don't have to wait. And that's clearly
17 within the discretion of this Board to accept or not
18 accept. And so I don't think we're under any mandate that
19 you have to accept every change that's recommended. And I
20 don't think staff has done that. So I think rather than
21 delay it -- I think what you're trying to get at is can I
22 have a list of the five things that we were going to
23 incorporate and the four things that we're not. And
24 you'll make a determination whether or not you think they
25 should be.

1 CHAIRPERSON JONES: Right.

2 MR. HALL: We would prefer to come to July to
3 do --

4 CHAIRPERSON JONES: So we will have that
5 information?

6 MR. HALL: Yes.

7 CHAIRPERSON JONES: Great. That should make
8 things okay then.

9 COMMITTEE MEMBER EATON: And just so you're
10 aware, that the Board also -- both staff and Mr. Mohajer,
11 that the Board has the opportunity to actually increase
12 the indicators. For instance, with the seasonal influx
13 that was on your 2202, I will also be asking that that be
14 done for how many years. Because if a jurisdiction is
15 aware to consider influx year after year after year, then
16 at some point they have to be able to adapt and adjust to
17 that in knowing full well. And so that don't forget it's
18 a two-edged sword.

19 MR. MOHAJER: I also ask and that explanation be
20 provided in a staff report how that information is going
21 to be used by OAL, Office of Local Assistance, so you're
22 going to have hard time to mention.

23 CHAIRPERSON JONES: Okay. Thanks, Mr. Mohajer.

24 All right. I think that -- go ahead, Mr.

25 Schiavo. You're nodding your head.

1 DEPUTY DIRECTOR SCHIAVO: Pretty much it.

2 CHAIRPERSON JONES: Okay. Just briefly.

3 The Kings County -- for Elliot and the Deputy
4 Director, the Kings County item, in fact the issue that we
5 were looking at, we've gotten a copy of it, we're going to
6 need that item to be pulled off of consent for a second.
7 We'll address the issue with a vote and then we'll move
8 on. Okay. It doesn't need to have a full hearing. But
9 it can't be part of the -- it's part of the -- it can't be
10 part of the whole consent. Okay?

11 What I'm saying is leave it on the consents, pull
12 it off separately -- I'll pull it off separately. We'll
13 take a vote on that one by itself, because we don't need
14 more review. And then we'll address the rest of the
15 consent calendar.

16 Mr. Eaton, that works. Just so you know.

17 And then you've got some reports, Mr. Schiavo,
18 that you're going to be making at the Board.

19 And we're done.

20 Any public comments?

21 I want to thank the staff. I want to thank the
22 folks that are in the audience that came all this way to
23 do this stuff. Mr. Eaton, Linda Moulton-Patterson. Thank
24 you all very much.

25 We're done.

1 (Thereupon the California Integrated Waste
2 Management Board, Diversion, Planning and
3 Local Assistance Committee meeting
4 adjourned at 12:30 p.m.)
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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Diversion, Planning and Local Assistance Committee meeting
8 was reported in shorthand by me, James F. Peters, a
9 Certified Shorthand Reporter of the State of California,
10 and thereafter transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 22nd day of July, 2002.

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23 JAMES F. PETERS, CSR, RPR
24 Certified Shorthand Reporter
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